



PAKISTAN COUNTRY REPORT

October 2004

Country Information & Policy Unit

**IMMIGRATION & NATIONALITY DIRECTORATE
HOME OFFICE, UNITED KINGDOM**

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1 SCOPE OF DOCUMENT

1.1 This Country Report has been produced by Immigration and Nationality Directorate, Home Office, for use by officials involved in the asylum / human rights determination process. The Report provides general background information about the issues most commonly raised in asylum / human rights claims made in the United Kingdom. It includes information available up to 1 September 2004.

1.2 The Country Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any Home Office opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum / human rights determination process.

1.3 The Report aims to provide a brief summary of the source material identified, focusing on the main issues raised in asylum and human rights applications. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.

1.4 The structure and format of the Country Report reflects the way it is used by Home Office caseworkers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.

1.5 The information included in this Country Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented; rather that information regarding implementation has not been found.

1.6 As noted above, the Country Report is a collation of material produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties etc. Country Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text.

1.7 The Country Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because they contain relevant information not available in more recent documents. All sources contain information considered relevant at the time this

Report was issued.

1.8 This Country Report and the accompanying source material are public documents. All Country Reports are published on the IND section of the Home Office website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified in the Report are available in electronic form, the relevant web link has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from the Home Office upon request.

1.9 Country Reports are published every six months on the top 20 asylum producing countries and on those countries for which there is deemed to be a specific operational need. Inevitably, information contained in Country Reports is sometimes overtaken by events that occur between publication dates. Home Office officials are informed of any significant changes in country conditions by means of Country Information Bulletins, which are also published on the IND website. They also have constant access to an information request service for specific enquiries.

1.10 In producing this Country Report, the Home Office has sought to provide an accurate, balanced summary of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to the Home Office as below.

**Country Information & Policy Unit
Home Office**

Apollo House
36 Wellesley Road
Croydon CR9 3RR

Email: CIPU@homeoffice.gsi.gov.uk

Website: http://www.ind.homeoffice.gov.uk/ind/en/home/0/country_information.html?

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2 Geography

General

2.1 The Europa World Year Book 2004 notes that “The Islamic Republic of Pakistan lies in southern Asia, bordered by India to the east and Afghanistan and Iran to the west. It has a short frontier with the People's Republic of China in the far north-east....The capital is Islamabad.” [1] (p3256) Statistics quoted in Europa advise that Pakistan covers an area of about 307,374 square miles, and that official estimates show that the population in mid 2003 was 149,030,000. [1] (p3273) In respect of the disputed territory of Jammu and Kashmir, Europa’s statistics advise that the Pakistani-held parts of this region are known as Azad (‘Free’) Kashmir and cover an additional 4,494 square miles. [1] (p3273)

2.2 Europa’s table on Administrative Divisions reveal that Pakistan is divided into four provinces: Balochistan [Baluchistan]; North-West Frontier Province; Punjab and Sindh, and that there are also Federally Administered Tribal Areas - FATA. Statistics from the

March 1998 census used in this table give the populations in the provinces as being: 73.6 million in Punjab; 30.4 million in Sindh; 17.7 million in the North-West Frontier Province; and 6.5 million in Balochistan [Baluchistan]. [1] (p3273)

2.3 According to a Background Paper on Refugees and Asylum Seekers from Pakistan, issued by the United Nations High Commissioner for Refugees (UNHCR) in March 2000, “The principle ethnic group are the Punjabis comprising two-thirds of the population, and the main ethnic minorities are Sindhis (24-32%); Pathans [aka Pashtuns, Pushtoons or Pukhtoons] (13%); Mohajirs (8-18%); and, Baluchis (4%).” [20c] (p1)

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Languages

2.4 The CIA’s World Factbook 2004 states that the languages of Pakistan are “Punjabi 48%, Sindhi 12%, Siraiki (a Punjabi variant) 10%, Pashtu 8%, Urdu (official) 8%, Balochi 3%, Hindko 2%, Brahui 1%, English (official and lingua franca of Pakistani elite and most government ministries) Burushaski, and others 8%.” [34] (p5) According to a 1993 Profile on Pakistan issued by the Immigration and Naturalization Service Resource Information Centre, “Urdu is spoken by only 8% of the population and English by 2%. Punjabi is spoken by 63% of the population. In addition, each ethnic group has its own language and numerous dialects are spoken.” [3] (p8) As reported in the Ethnologue website, “The number of languages listed for Pakistan is 69. Of those, all are living languages.” [6] (p1)

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3. Economy

3.1 According to the US State Department’s Report 2003 (USSD), published on 25 February 2004, “The country is poor with great extremes in the distribution of wealth; its population was approximately 150 million....The Constitution provides for the right of private businesses to operate freely in most sectors of the economy, and there continued to be a strong private sector.” [2b] (p1-2)

3.2 According to the Europa World Year Book 2004:

“During the 1990s economic growth was constrained by poor investment in manufacturing and inadequate agricultural production, while widespread corruption and inefficient revenue management (particularly in the collection and administration of taxes) undermined attempts to address worsening levels of poverty and deteriorating infrastructure and social services. The crisis was exacerbated by the economic sanctions imposed on Pakistan by a group of countries (including the USA) in May 1998 for carrying out nuclear tests, and by further sanctions imposed in response to the military coup of October 1999.” [1] (p3272)

3.3 Europa also noted that:

“However, the new Musharraf administration demonstrated renewed commitment to radical economic reform. Despite the volatile political and economic climate in the aftermath of the 11 September 2001 terrorist attacks on the USA, Pakistan’s support for and co-operation with the activities of the US-led anti-terrorism coalition in neighbouring Afghanistan resulted in the withdrawal of US sanctions dating from 1998, the extension of concessionary trade terms (including an increased export quota for textiles until 2004) by the European Union (EU) and offers of substantial financial assistance from the ADB, the USA, Europe and (reportedly) China. In December the IMF agreed to extend a \$1,320m. Poverty Reduction and Growth Facility (PRGF) to Pakistan, in support of a three-year social and economic reform programme to be implemented during October 2001-September 2004.” [1] (p3272)

3.4 According to the CIA World Factbook, Pakistan’s unit of currency is the Pakistani rupee (PKR). [34] (p10) Europa advises that “100 paisa = 1 Pakistani rupee.” [1] (p3275) The Yahoo Currency Converter gives the exchange rate (as at 31 August 2004) as 105.44 PKR to the pound sterling (£) [17a], and 58.74 PKR to the US dollar (\$). [17b]

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4 History

Independence to 1997 Constitutional Crisis

4.1 According to the Europa World Year Book 2004:

“Pakistan was created in August 1947 by the partition of the United Kingdom’s former Indian Empire into the independent states of India and Pakistan, in response to demands by elements of the Muslim population in the subcontinent for the establishment of a specifically Islamic state. Pakistan originally comprised two distinct regions: East Pakistan and West Pakistan, separated by some 1,600 km (1,000 miles) of Indian territory, and united only by a common religion.”. [1] (p3256)

A 1993 Profile on Pakistan issued by the Immigration and Naturalization Service Resource Information Centre states that “In 1971, East Pakistan separated from West Pakistan and became the country of Bangladesh. In 1971, West Pakistan changed its official name to the Islamic Republic of Pakistan.” [3] (p4)

4.2 Europa further noted that:

“The general election, which was held on 3 February 1997, was marred by an extremely low turnout (an estimated 30%-40%). The PML (N) [Pakistan Muslim League - (Nawaz)] won a decisive victory, obtaining 134 of the 204 directly-elective seats in the National Assembly (voting in three seats was deferred until a later date) while the PPP [Pakistan People’s Party] was routed, both at federal and state level, winning only 18 seats. The MQM [Mohajir Quami Movement] emerged as the country’s third political force (obtaining 12 seats), while Imran

Khan's Tehrik-e-Insaf failed to win a single seat. Nawaz Sharif was sworn in as Prime Minister on 17 February 1997 and a small cabinet was appointed the following week." [1] (p3259)

4.3 Europa also recorded that:

"Nawaz Sharif's political authority was strengthened considerably in April 1997 when both the National Assembly and the Senate voted unanimously to repeal the major components of the 1985 Eighth Constitutional Amendment, thereby divesting the President [then Sardar Farooq Ahmad Khan Leghari] of the power to appoint and dismiss the Prime Minister and Cabinet, to dissolve the legislature, to order a national referendum on any national issue, and to appoint provincial Governors, the Chairman of the Joint Chiefs of Staff and the three armed forces chiefs (these functions and appointments were, in future, to be carried out subject to a mandatory advice from the Prime Minister). The President thus became a largely ceremonial figure whose main executive role was the appointment of judges." [1] (P3259)

4.4 Europa further noted that:

"Meanwhile, in the latter half of 1997 a serious rift developed between Nawaz Sharif and the Chief Justice of the Supreme Court, Sajjad Ali Shah, over the appointment of new judges to the Court. In early November, however, a compromise was reached between the Supreme Court and the Government, allowing the former to appoint five new judges while confirming the right of the legislature to determine the total number of judges. Yet, despite this outcome, the crisis was not over and later that month the Supreme Court charged Nawaz Sharif and five other officials with contempt for slandering the court and defying its orders in the previous month. The Prime Minister, who, if found guilty, was liable to be discharged from office, denied the charges. The Chief Justice was forced to adjourn Nawaz Sharif's trial in late November, however, when thousands of the Prime Minister's supporters stormed the Supreme Court in Islamabad. The constitutional crisis came to a dramatic end on 2 December [1997] when the Chief Justice was suspended from office by rebel members of the Supreme Court; on the same day President Leghari also stood down from office....Nawaz Sharif strengthened his hold on power on 31 December 1997 when his nominee and fellow Punjabi, Mohammad Rafiq Tarar (a personal acquaintance of the Prime Minister and a former Supreme Court judge), won the presidential election by a record margin (winning more than 80% of the total votes cast by the electoral college." [1] (p3260)

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The Sharif Administration (1998–1999)

4.5 According to the Europa World Year Book 2004:

"In January 1998 sectarian violence erupted again in Lahore when at least 24 Shi'a Muslims were massacred by a clandestine Sunni group. In response, the

Government approved measures to control illicit weapons in an attempt to curb terrorism. (A controversial anti-terrorist law had been passed in August 1997, giving the security forces extensive powers of arrest and enabling the Government to ban any group or association without Parliamentary approval). ...Despite the temporary public euphoria and heightened popularity of the Prime Minister arising from the conduct of the controversial nuclear tests in May 1998 (see below [in Europa]), the repercussions (particularly the international sanctions) left Pakistan in dire financial straits.” [1] (p3260)

4.6 Europa also stated that:

“In late August [1998] the Prime Minister introduced the Fifteenth Constitutional Amendment Bill to the National Assembly, seeking to replace Pakistan's legal code with *Shari'a*. Nawaz Sharif attempted to allay fears of a move towards Islamic extremism by promising to uphold women's rights and to safeguard minorities....In early October 1998 the Chief of Army Staff, Gen. Jehangir Karamat, was forced to resign from his post after publicly criticising the Government's economic and political policies and demanding that the armed forces be given a direct rather than advisory roll in government decisions. On the following day the Fifteenth Constitutional Amendment Bill was passed in the National Assembly. Human rights activists in Pakistan denounced the bill as 'regressive', claiming that it would allow Islamic courts to challenge every law in the Constitution and would over-expand the mandate of the premiership.” [1] (p3260)

4.7 Europa also recorded that:

“The Government suffered a severe reverse in late October 1998 when the Muttahida Qaumi Movement – MQM (A) – (formerly known as the Mohajir Qaumi Movement) withdrew its support for the PML (N)-led provincial administration in Sindh. On 30 October the provincial legislature was suspended and the troubled province was placed under governor's rule in an effort to curb the violence. In November the Prime Minister announced the establishment of anti-terrorist military courts in Karachi (which were designed to dispense rapid and punitive justice), and the suspension of civil rights in Sindh. [1] (p3260)

4.8 According to Europa, “In mid-February 1999 the Supreme Court ruled that military trials could not be used for cases against civilians, thus sparing 14 people from death sentences imposed in the military tribunals in Sindh and effectively barring the establishment of military courts throughout the country (as the Government had proposed). The Supreme Court ordered the transfer of the cases to civilian anti-terrorist courts.” [1] (p3260)

4.9 Europa further noted:

“In February 1999 relations [between Pakistan and India] appeared to improve considerably when the Indian Prime Minister, Atal Bihari Vajpayee, made an historic journey (inaugurating the first passenger bus service between India and Pakistan) over the border to Lahore. Following his welcome by the Pakistani Prime Minister, the two leaders held a summit meeting (the first to be conducted

in Pakistan for 10 years) at the end of which they signed the Lahore Declaration, which, with its pledges regarding peace and nuclear security, seemed designed to allay world-wide fears of a nuclear 'flashpoint' in South Asia. The contentious subject of Jammu and Kashmir was, however, largely avoided. Concern over the escalating arms race in South Asia was again deepened in April [1999], following a series of ballistic missile tests carried out first by India and then by Pakistan (both countries, however, appeared to have adhered to the procedures incorporated in the Lahore Declaration, by informing each other of their test plans well in advance)." [1] (p3269)

4.10 Europa further recorded that:

"In May 1999 the Kashmir conflict intensified to reach what was termed a 'near-war situation' following the reported infiltration of 600-900 well-armed Islamist militants, reinforced by regular Pakistani troops across the LoC [Line of Control] into the area around Kargil in the Indian-held section of Kashmir....In response, the Indian troops launched a series of air strikes against the militants at the end of the month, a move that represented a serious provocation to Pakistan since it constituted the first peacetime use of air power in Kashmir....In early July, however, Indian military dominance combined with US diplomatic pressure prompted Nawaz Sharif's precipitate visit to Washington, DC, in the USA for talks with President Clinton. The resultant Washington Declaration prepared the ground for an end to the Kargil crisis through the Pakistani leader's agreement to the withdrawal of all 'intruders' from Indian-controlled Kashmir." [1] (p3269)

Europa noted that "Although Nawaz Sharif attempted to ensure that any blame attached to the episode would be diverted to the army, many of his opponents in Pakistan declared that his seeming haste to concede defeat and to agree to a Pakistani withdrawal in the face of US pressure constituted a national 'betrayal'." [1] (P3260)

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October 1999 Coup – 2000/2001 Elections

4.11 According to the Europa World Year Book 2004:

"Events took a dramatic turn on 12 October 1999, when, shortly after Nawaz Sharif's announcement of a decision to dismiss the Chief of Army Staff and Chairman of the Joint Chief of Staff Committee, Gen. Pervez Musharraf, the army chief flew back from an official tour in Sri Lanka and promptly organised a bloodless military coup in Islamabad. Nawaz Sharif and his Government were overthrown, and the deposed Prime Minister was placed under house arrest. On 15 October Gen. Musharraf assumed the position of Chief Executive, declared a nation-wide state of emergency and suspended the Constitution, the National Assembly, the Senate, the four provincial legislatures and all political officials, with the exception of the President and the judiciary. He also insured, by means of a Provisional Constitutional Order, that his actions could not be challenged by any court of law, thus imposing virtual martial law. On 18 October the Commonwealth Ministerial Action Group (CMAG) condemned the coup and

demanding a time-frame for the restoration of democracy; Pakistan was suspended from participation in meetings of the Commonwealth with immediate effect....Following his seizure of power Gen. Musharraf attempted to win over international opinion by portraying himself as a moderate, liberal leader. He was aided, in this respect, by the fact that the majority of the Pakistani people appeared to support the army's coup (it was a widely-held opinion that the military had no provincial bias and represented all levels of society – rather than purely the landed elite).” [1] (p3260-3261)

4.12 Europa also recorded that:

“In May [2000] Gen. Musharraf's regime was strengthened by a unanimous decision by the pro-military Supreme Court to validate the October 1999 coup as having been necessary to spare the country from chaos and bankruptcy. At the same time, the court announced that the Chief Executive should name a date not later than 90 days before the expiry of the three-year period from 12 October 1999 for the holding of elections to the National Assembly, the provincial assemblies and the Senate. Gen. Musharraf stated he would comply with the Supreme Court ruling regarding the restoration of democracy....In July 2000 Gen. Musharraf issued a decree to revive the Islamic provisions of the suspended Constitution and to incorporate them in the Provisional Constitution Order, thereby supporting a ban on the passing of any law that conflicts with Islamic principles.” [1] (p3261)

4.13 According to Europa:

“In late 2000 former leaders Nawaz Sharif and Benazir Bhutto, with 16 other smaller political parties, agreed to form the Alliance for the Restoration of Democracy (ARD), in an effort to end military rule and accelerate a return to democracy. The new alliance superseded the PPP-led (Pakistan People's Party-led) Grand Democratic Alliance. On 10 December Nawaz Sharif was unexpectedly released from prison and sent into exile in Saudi Arabia, with his wife and 17 other members of his family. The Government announced that the deposed Prime Minister had been granted a 'presidential pardon' and was allowed to leave the country to seek medical treatment. In return, Nawaz Sharif relinquished his personal and business assets worth approximately Rs 500m, promised not to return to Pakistan for 10 years, and agreed not to take part in Pakistani politics for 21 years.” [1] (p3261)

4.14 Europa noted that:

“In late December 2000 the first phase of local elections was held in 18 of 106 districts. According to the Government, the turnout reached 43.5%. The opposition PPP, however, claimed that less than 20% of the electorate had participated, attributing the low turn-out to the ban on political parties. Of a total of 20,076 seats, 33% were reserved for female candidates, but few women were able or willing to participate. The next three phases of local elections took place in March, May and July 2001. Although the elections were conducted on a non-party basis, it was believed that the majority of candidates were sponsored by

either the PML (N) or the PPP. Furthermore, it appeared that the election scheme had failed to challenge the dominance of Pakistani politics by local feudal families. Elections to the 40-member legislative assembly for Azad Kashmir also took place in early July. Meanwhile, Musharraf insisted that a ban on party political activity in public would be maintained until after the forthcoming parliamentary elections, and opposition attempts at organising pro-democracy rallies in March and May were suppressed by the authorities, who detained thousands of ARD (Alliance for the Restoration of Democracy) supporters prior to the planned demonstrations.” [1] (p3261)

4.15 Europa also recorded that, “On 20 June 2001 Gen. Musharraf unexpectedly assumed the Presidency, having dismissed Mohammad Rafiq Tarar (who had reportedly refused to resign from the post). Musharraf immediately issued a formal dissolution of both houses of the Federal Legislature (which had been suspended since October 1999) in preparation for the elections scheduled for October 2002.” [1] (p3261)

4.16 Europa also noted that:

In response to a continuing escalation in sectarian and ethnically motivated violence, in June 2001 the Government approved new legislation to tackle terrorist activity....In August [2001] it was reported that sectarian violence had claimed 108 lives between January and May 2001, compared with 37 fatalities during the same period of the previous year. In his Independence Day address to the nation later in the month, Musharraf appealed for greater tolerance and understanding and announced an immediate ban on the activities of two militant Islamist groups: the Sunni Lashkar-e-Jhangvi [LeJ] and the Shi’a Sipah-e-Mohammad [SMP].” [1] (p3262)

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Al-Qa’ida and the Taliban (2001)

4.17 According to a BBC news report on the Taliban (Taleban) in Afghanistan dated 16 December 2003:

“The Taleban first came to prominence [in Afghanistan] in the Autumn of 1994... The circumstances of the Taleban's emergence remained the centre of controversial debate. Despite repeated denials, Pakistan is seen as the architect of the Taleban enterprise. Suspicions arose early on when the Taleban went to the rescue of a Pakistani convoy stranded in Kandahar following attacks and looting by rival mujahideen groups. Many of the Afghans who joined the Taleban were educated in madrassas (religious schools) in Pakistan. Pakistan was also one of only three countries, along with Saudi Arabia and the United Arab Emirates (UAE), which recognized the Taleban regime. It was also the last country to break diplomatic ties with the Taleban. The US put Pakistan under pressure to do so after the 11 September, 2001, attacks in New York and Washington. The Taleban were overwhelmingly Pashtun, the ethnic group that forms the majority of Afghanistan's diverse population and also inhabits the North-West Frontier

Province (NWFP) and Balochistan [Baluchistan] in neighbouring Pakistan. Even now, the resurgent Taleban draw considerable sympathy from fellow Pashtuns in Pakistan. Some of their fugitive leaders are able to find refuge across the long and porous border in NWFP and Balochistan.” [35ap] (p1-2)

Additionally, an article on Afghanistan by ‘The World in a Nutshell’, updated on 26 March 2003, stated:

“Were the Taliban puppets of Pakistan? Not exactly. Although the Taliban owed most of their success to Pakistan's military and financial aid and a Taliban victory served Pakistani interests, the tribe was not accountable to Islamabad. The relationship between the Afghan religious students and Pakistan was forged long before the Taliban became a major force. Most Taliban members were born, educated and trained in Pakistani refugee camps and shared a religious identity with Pakistan's majority Sunni population as well as an ethnic identity with the Pashtuns from the North West Frontier province which borders on Afghanistan. This kinship played a large role in Pakistan's decision to back the refugees. By training and arming the band of Afghan refugees Islamabad hoped to bring political stability to their war-wearied neighbor and help to install a strategic ally in the face of Pakistan's ongoing conflict with India. By playing on Saudi Arabian and US interests against Iran, furthermore, and by indicating that transit routes through Afghanistan to Central Asian Muslim countries would be opened, Pakistan was instrumental in securing Saudi and American support for the religious refugees. Ironically, the success of the Taliban inspired the "Talibanization" of Pakistan's own Islamic community thereby driving the country closer to an Islamic revolution of its own.” [44]

4.18 The Europa World Year Book 2004 recorded that:

“As one of only three states to have recognized the legitimacy of the Taliban administration in Afghanistan, and as the most significant trading partner and political associate of the regime, Pakistan's support was crucial to the efforts of the US-led anti-terrorism coalition in the aftermath of the 11 September 2001 terrorist attacks on the US mainland, and Musharraf was left in little doubt that his refusal to co-operate with the campaign to apprehend those members of the al Qa'ida (Base) organization held responsible for the attacks would result in Pakistan's increased economic and political isolation. Therefore, Musharraf's political opponents in the PML and PPP appeared to accept his declaration of co-operation with US requests for shared intelligence and use of air space with resignation.” [1] (p3262)

(See also Section 3 on Economy, paragraph 3.3, above, and paragraph 4.24, below)

4.19 Europa also noted that:

“However, large-scale opposition to the decision was inevitable, particularly in the NWFP [North-West Frontier Province] bordering Afghanistan, which was home to large numbers of Pakhtoon (Pashtun) Pakistanis who were fiercely

opposed to any assault on the Pashtun-dominated Taliban. Despite Musharraf's insistence that the US-led activities in the region did not represent an attack on Islam, protests against the action spread throughout the country, and on 21 September [2001] a grouping of more than 30 Pakistani militant Islamist organisations known as the Afghan Defence Council (ADC) organized an opposition campaign of demonstrations and industrial action nation-wide. There was further opposition to Pakistan's support for the intervention in Afghanistan from within the armed forces and the Inter-Services Intelligence (ISI) agency, both having enjoyed particularly close links with the Taliban." [1] (p3262)

In addition, Europa recorded that:

In early October [2001], having extended indefinitely his term of office as Chief of Army Staff, Musharraf implemented a radical reorganization of the military high command and the intelligence service, replacing a number of senior personnel with known sympathies for the country's militant Islamist cause, including Lt-Gen. Mahmood Ahmed, head of the ISI. However, popular protests against co-operation with the US-led coalition continued, and were fuelled by reports of civilian casualties of US bombing raids in Afghanistan and by the call to *jihad* (holy war) against all non-Muslims by the ADC and by the JUI [Jamiat-e-Ulema-e-Islam] in October." [1] (p3262)

4.20 According to Europa:

"Tension with India was heightened considerably following a guerrilla-style attack on the state assembly building in Srinagar on 1 October [2001]....The Indian Government attributed responsibility for the attack to the Pakistani-based Jaish-e-Mohammed and Lashkar-e-Taiba groups. Tensions were exacerbated later in the month when Gen. Musharraf rejected official Indian requests to ban the activities of the organisation in Pakistan, although he did publicly condemn the attack." [1] (p3270)

4.21 Europa also noted:

"Earlier in the month [November 2001] a Qatar-based Arab satellite television channel, Al-Jazeera, had broadcast details of a new communication from Osama bin Laden, the Saudi-born leader of the al Qa'ida organisation, in which he issued a renewed call to *jihad* against non-Muslims and urged Pakistanis to rise up and overthrow Musharraf's administration for its part in the US-led campaign. Bin Laden's exhortations were particularly resonant in the border regions of the NWFP and Balochistan [Baluchistan], where reports were emerging of large numbers of armed local tribesmen crossing the border as willing recruits for the Taliban." [1] (p3262)

4.22 Europa further recorded that:

"Long-standing enmity between the Pakistani Government and the tribes of the United National Islamic Front for the Salvation of Afghanistan (commonly known as the United Front or Northern Alliance) arising from Pakistani sponsorship of

the Taliban regime was exacerbated by the participation of Pakistani nationals in the armed resistance to the United Front's renewed military campaign (supported by the international coalition) to recapture Afghanistan (see above [in Europa]). As the United Front continued to make impressive territorial gains in Afghanistan, culminating in the capture of the capital, Kabul, in mid-November, the Pakistani Government announced the closure of all Taliban consular offices in Pakistan, including the embassy in Islamabad....Publicly, Musharraf supported Karzai and the new Afghan Transitional Administration. However, Afghan officials were convinced that the Pakistani ISI was giving sanctuary to senior Taliban members and other anti-Afghan Government military commanders, such as Gulbuddin Hekmatyar." [1] (P3268)

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Sectarian Violence in 2002/2002 Referendum

4.23 The Europa World Year Book 2004 recorded that:

"Moreover, in January 2002 President Musharraf announced an indefinite ban on the activities of five predominantly separatist groups (Tehrik-e-Nifaz-e-Shariat-e-Mohammadi, Sipah-e-Sahaba Pakistan, Jaish-e-Mohammad, Tehrik-e-Jafria and Lashkar-e-Taiba) and plans to reform the country's system of *madrassa* religious schools, many of which were accused of promoting extremism and theocracy. Musharraf's counter-terrorism initiative and new moderate vision drew plaudits from the international community, but the murder of US journalist Daniel Pearl (see below [in Europa]) and sectarian attacks on Shi'a Muslims in a mosque in Rawalpindi in February, a grenade attack on the congregation at the Protestant International Church in Islamabad in March and a sectarian attack on Shi'a Muslims in a mosque in Punjab in late April appeared to undermine the success of Musharraf's rhetoric...During early 2002 Musharraf reiterated his commitment to returning the country to democracy, beginning with the parliamentary elections scheduled for October [2002]." [1] (p3262)

4.24 On 2 April 2002, the BBC reported on President Musharraf's first visit to Afghanistan; speaking alongside interim Afghan leader Hamid Karzai at a news conference, Musharraf pledged that he would never allow Pakistan to interfere in the internal affairs of Afghanistan. The meeting was seen as marking a watershed in Pakistan Afghanistan relations. President Musharraf pledged co-operation in wiping out "terrorist sanctuaries" in the region, and said that he had made it absolutely clear that Pakistan's one aim was to assist Afghanistan. [35r]
(See also paragraph 4.18, above)

4.25 According to Europa:

"In early April [2002] the Government approved a plan to hold a national referendum seeking endorsement for Musharraf's term of office as President to be extended by five years. Opposition Parties and the independent Human Rights Commission of Pakistan [HRCP] condemned the decision as

unconstitutional and illegal and resolved to boycott the vote; however, on 27 April the Supreme Court ruled that the referendum was legitimate, allowing the poll to take place three days later. According to official figures, 98% of those participating supported the proposal. There were, however, widespread allegations of gross irregularities and fraud. The Government claimed that the turnout was 70%, but opposition parties and independent monitors estimated that it was about 5%. [1] (p3262-3263)

4.26 In May 2002, Keesings Record of World Events reported that a steady exodus of US, Canadian and other foreign diplomats - which had commenced following the abduction of US journalist Daniel Pearl in January 2002 and the bombing of a church in the diplomatic quarter in March 2002 - had accelerated following a bomb attack in Karachi. [24a] (p44792) In a Press Release of 22 May 2002, UK Foreign Secretary Jack Straw announced a reduction in the UK Government's diplomatic representation in Pakistan on account of the security threat to British interests in Pakistan. [39]

4.27 Europa noted that:

“In mid-May [2002] suspected Islamist militants attacked an Indian army camp in Jammu and Kashmir, killing more than 30 people. India expelled Pakistan's High Commissioner....Despite US attempts to calm tensions, artillery fire was exchanged along the LoC [Line of Control]....Pakistan would not rule out first use of nuclear weapons, and India declared that it would be prepared to go to war after the monsoon season ended (in September) if its neighbour refused to halt ‘cross-border terrorism’....Following intense diplomatic efforts by British and US officials [in June], the threat of war appeared to diminish.” [1] (p3270)

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Constitutional Amendments/2002-03 Elections

4.28 On 27 June 2002 the BBC reported that President Musharraf had put forward for debate constitutional amendments which it was reported would increase his powers. The amendments included enabling the President to name and dismiss the Prime Minister, provisions to reduce the term of the parliament and Prime Minister from five years to four years, and proposals for a permanent ten-member National Security Council that would be headed by President Musharraf. [35f] (p1-2)

4.29 On 7 July 2002 the BBC reported that, the previous day, President Musharraf had issued a decree preventing people who have held the office of Prime Minister twice in the past from being given a third term. This effectively banned two former Prime Ministers, Nawaz Sharif and Benazir Bhutto. A spokesman for Sharif's Pakistan Muslim League said it was aimed at ousting the two big leaders from politics, and Bhutto's Pakistan People's Party called it unconstitutional. [35u] (p1) A later BBC report of 10 July 2002 advised that voting for the lower house of parliament would take place on 10 October 2002, and that Musharraf's decree required all candidates to be university graduates which, the opposition claimed, ruled out 98% of the population from candidacy. [35v] (p1) The BBC reported on 16 July 2002 that, at a convention held in Islamabad, Pakistan's religious minorities had formed the All Pakistan Minorities

Alliance - the first formal grouping between Sikhs, Christians and Hindus. The report stated that "The head of the Christian Organisation for Social Change, Cecil Chaudhry, told BBC that the alliance is not a political party but can come to an understanding about which candidates it can support." [35w] Europa 2004 recorded that, in early August 2002, the PPP formed a new political wing called the PPP Parliamentarians – PPPP – under new leadership in a bid to avert an imminent threat of losing the chance to contest the elections under the new rules. [1] (p3263)

4.30 According to the Europa World Year Book 2004:

"Instead of presenting the constitutional amendments before the next legislature, on 21 August 2002 President Musharraf unilaterally enacted the Legal Framework Order, which introduced 29 amendments to the Constitution and validated all the military decrees approved since the coup in 1999. The amendments would take place from 12 October. As a result, the President's powers were enlarged and the military was ensured influence in decision-making beyond the parliamentary elections in October." [1] (p3263)

4.31 Europa also noted that the election papers filed by Benazir Bhutto were rejected in late August 2002, and that consequently Nawaz Sharif - whose nomination papers had been accepted - withdrew from the elections. [1] (p3263)

4.32 According to Europa, "Some 73 parties, issued with election symbols by the Election Commission, contested the general election on 10 October 2002." [1] (p3282) Europa notes that, following the election, the PML(Q) won the largest percentage of votes (25.7%) and 77 of the directly-elective 272 seats; they had been publicly supported by Musharraf during the election campaign. [1] (p3263)

4.33 The Integrated Regional Information Networks IRINNEWS.ORG – reported on 16 October 2002 that both the Human Rights Commission of Pakistan (HRCP) and EU observers had expressed serious concern about electoral irregularities. The report said that the EU observers claimed that the Pakistani authorities' interference with the electoral arrangements and democratic process had resulted in serious flaws in the electoral process. [41d] (p1) However, a BBC news report of 25 October 2002 stated that Commonwealth observers had reported that the election had for the most part been transparent and well-organised, albeit with some shortcomings. [35x] (p1)

4.34 Europa noted that, on 31 October 2002, the Election Commission allocated the 60 seats reserved for women and the 10 seats reserved for non-Muslims, and that on 21 November 2002 Zafarullah Khan Jamali - the PML(Q) candidate – was elected Prime Minister by the National Assembly. [1] (p3263) Pakistan's Dawn newspaper reported on 24 November 2002 that the 21 member cabinet included PML(Q), National Alliance and PPP (S) politicians, and members of the PPP forward bloc were also included. [33d] That same day, the Dawn also reported that the swearing in of the Cabinet completed the transition from a three year period of military rule to an elected democratic government and that the MQM – Muttahida Qaumi Movement - which had supported Jamali for Prime Minister, had decided not to join the cabinet. [33e] (p1-2)

4.35 Europa also noted that elections to the Senate took place on 25-27 February

2003, and that the ruling party PML-Q won 34 of 100 Senate seats. [1] (p3264)

4.36 Europa further noted that, between April to September 2003, the reconstituted parliament faced a crisis over the controversial amendments to the Constitution introduced by General Musharraf. Originally promulgated in August 2002, a modified version was finally unanimously endorsed in September 2003 (the deputies had protested at the decision to adopt these constitutional changes introduced by President Musharraf without placing them before the parliament). The amendments are known as the Legal Framework Order – LFO – and it affirmed General Musharraf's presidency and post as army chief until 2007 and set up a military-dominated National Security Council to oversee the government. [1] (p3264-3265, 3280)

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Militant Islamists/Bhutto/Line of Control (2003)

4.37 The US State Department International Religious Freedom Report 2003, published on 18 December 2003, reported that, on 2 June 2003, the Provincial Assembly of North-West Frontier Province – NWFP -unanimously passed the NWFP Shari'a Act 2003 to implement Sharia (Islamic law) in the province. [2a] (p4) Europa 2004 noted that Musharraf reacted by dismissing two senior NWFP officials - the chief secretary and the police chief - for failing to secure law and order in Peshawar, the capital of NWFP, against attacks by militant Islamists and that, during a visit to the NWFP later that month, Musharraf warned against the adoption of Taliban-style Islam. [1] (p3264)

4.38 The Europa World Year Book 2004 recorded that, in August 2003, a judge in Switzerland found Benazir Bhutto and her husband, Asif Ali Zardar, guilty of money laundering and receiving bribes. They were both sentenced to a six month suspended jail term and fined \$50,000. However, a court in Geneva upheld an appeal by Benazir Bhutto and her husband Asif Ali Zardari against their convictions. The six month suspended sentence and financial penalties were quashed. It was not certain whether the case would be referred to a higher court. [1a] (p3265)

4.39 Europa also noted that the Pakistani army claimed to have killed at least 8 Taliban and al-Qaida suspects near the border with Afghanistan in October 2003. It advised that eighteen other suspects were arrested in an offensive in the district of South Waziristan and that, later that month, the armed forces arrested a further 40 people, including tribal elders, who were accused of sheltering al-Qa'ida suspects. Despite these and other apparent attempts to combat Taliban activity in the tribal areas, Europa noted that there were claims that Pakistan troops continued to allow Taliban movement across the border and that senior Taliban members were openly living in Quetta (near Waziristan). [1] (p3267)

4.40 According to Keesings Record of World Events for November 2003, Musharraf banned six extremist Islamic groups under the 1997 Anti-Terrorist Act in November 2003. Three groups were banned who had flouted an earlier prohibition order by changing their names. These were the Shia group Islami Tehrik-I-Pakistan (formerly Tehrik-i-Jafria Pakistan) and the Sunni groups Millat-i-Islamia Pakistan (formerly Sipah-I-Sahaba Pakistan –SSP) and Khudam-ul-Islam (formerly Jaish-e-Mohammed

- JeM). Jamaat-ud-Dawa (thought to be a new identity for the Kashmiri armed separatist group Lashkar-i-Toiba – LiT), was placed under surveillance but escaped a ban. Their bank accounts were frozen. On 20 November 2003 a further three groups were banned: Jamiat-ul-Furqan (another offshoot of JeM), Jamiat-il-Ansar (formerly Harakat-ul-Mujaheddin-HuM) and Hizbut-Tahrir. [24b] (p45693)

4.41 Europa noted that, on 23 November 2003, Pakistan announced a unilateral cease-fire along the Line of Control (LoC), the informal border dividing Indian and Pakistani-administered Kashmir. India reciprocated by offering to extend the cease-fire across the Actual Ground Position Line in Siachen as well as across the international border. Diplomatic ties and some transport links were resumed between the two sides (see also paragraph 4.44). [1] (p3271)

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Legal Framework Order/Assassination Attempts/Summit with India (2003 – 2004)

4.42 Keesings Record of World Events reported in December 2003 that, on 24 December 2003, Musharraf announced seven concessions to resolve the controversy over his Legal Framework Order (LFO) of constitutional changes which had halted the national Assembly since the October 2002 elections. Negotiations took place with the opposition alliance of six Islamist parties - the Muttahida Majlis-i-Amal (MMA – United Council for Action). Musharraf undertook to step down as chief of army staff by December 2004. He also agreed to submit to a vote of confidence in the federal legislature. Musharraf's supervisory national Security Council, on which the chiefs of the armed services would sit, was to be established by an act of parliament. In addition, although the President would be empowered to dismiss the National Assembly, he would have to refer the decision to the Supreme Court within 15 days. [24c] (45738) Europa noted that, in late December 2003, the legislature passed the Constitution (Seventeenth Amendment) Bill. [1] (p3280)

4.43 Keesings noted in December 2003 that President Musharraf narrowly escaped two assassination attempts during December 2003. The first attack was on 14 December when a remote-controlled bomb was detonated under a bridge seconds after Musharraf's motorcade had passed over it. An electronic jamming device fitted to the car had delayed the explosion. The second attack took place on 25 December 2003 again near his Rawalpindi residence; at least 17 people were killed and 50 injured when two suicide bombers drove cars at Musharraf's motorcade. Musharraf escaped injury, declaring the attackers as "extremists." On 28 December one of the suicide bombers was identified as a member of the banned Islamic extremist group Jaish-e-Mohammed, one of the most prominent militant separatist factions fighting against Indian rule in the northern state of Jammu and Kashmir. The Information Minister stated that the attack was carried out by an International terrorist network (an apparent reference to al-Qaida). At least 7 people were arrested after the first assassination attempt and 18 suspects held after the second. [24c] (p45737)

4.44 Europa recorded that, following the November [2003] cease-fire, India and Pakistan restored a passenger and freight train service between New Delhi and

Lahore, and resumed direct aviation links, in January. [1] (p3271) Keesings Record of World Events for January 2004 confirmed this news, and recorded that a ground-breaking summit – the South Asian Association for Regional Co-operation (SAARC) - took place between leaders of the two countries in early January, though Pakistani militant separatist groups insisted that the ‘armed struggle’ would continue. [24d] (p45787)

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Political Events and Terrorism in 2004

4.45 According to Keesings Record of World Events for January 2004, President Musharraf won confidence votes in the National Assembly, the Senate and the four provincial assemblies of Baluchistan [Balochistan], NWFP, Punjab and Sindh, further strengthening his hand following the National Assembly’s approval on 29 December 2003 of the Legal Framework Order. [24d] (p45786)

4.46 Keesings also noted that a court in Islamabad had charged Javed Hashmi, acting president of the opposition Pakistan Muslim League (Nawaz) – PML(N) - on five counts (including treason, inciting mutiny and forgery) on 24 January 2004. He had been arrested in October 2003 after distributing copies of letters criticising the President that he alleged had been written by junior army officers. [24d] (p45786)

4.47 The Europa World Year Book 2004 noted that action against Islamist fugitives around South Waziristan continued (see 4.39, above) in 2004, and in late February 58 suspects were arrested by the army. It reported that Pakistan’s efforts in this direction were seen as being in response to the USA’s restraint in respect of Pakistan’s nuclear weapons programme, and noted that fighting between Pakistani troops and militants in March resulted in the deaths of more than 100 people, including the al-Qa’ida intelligence chief, Abdullah. [1] (p3267)

4.48 Military personnel carried out a two-week long security operation in respect of suspected Taleban and al-Qa’ida supporters in villages around Wana in South Waziristan in March 2004; Amnesty International issued a report on 1 April 2004 voicing concerns of human rights violations by the security forces, stating “They [the violations] included arbitrary arrest and detention, possible unlawful killings and extrajudicial executions and the deliberate destruction of houses to punish whole families when some of their members were alleged to have harboured people associated with the Taleban or *al-Qa’ida*.” [4b] (p1)

4.49 On 14 April 2004, the BBC reported that:

“Pakistan’s Senate has passed a new law to institutionalise the role of the armed forces in civilian politics for the first time in the nation’s history....The law creates a 13-member National Security Council with four top military figures who will sit alongside top civilian leaders...The council will advise the government on security matters and other issues of national interest....Opposition MPs condemned the bill; one said it meant “permanent martial law”.” [35a] (p1)

4.50 On 19 April 2004, the BBC reported that:

“Pakistan has announced that it will allow the jailed husband of former premier Benazir Bhutto to travel to Switzerland to conduct a court appeal [to be heard on 22 April]....Mr Zardari, who has been in jail in Pakistan for more than seven years, has faced a number of cases there but only been convicted of financial wrongdoing....Ms Bhutto lives in self-imposed exile from Pakistan in London and Dubai....During an appearance in a court in Rawalpindi last year Mr Zardari told the BBC he was being victimised for being the husband of Ms Bhutto.” [35d] (p1-2)

However, a report on the same day in the PakTribune news stated that Zardari would not go to Switzerland in custody, and stated “Makhdoon Amin [President of the PPP Parliamentarians] said there no [sic] treaty exists between Pakistan and Switzerland about shifting of under trial prisoners....He said Asif may consider the offer if he is permitted to go abroad as a free citizen, but he can’t accept forced exile, he added.” [11]

4.51 On 12 May 2004 the BBC reported that Mr Nawaz Sharif’s brother, Shahbaz Sharif, had been deported, noting that “Mr Sharif returned on Tuesday [11 May] from a three-year exile but almost immediately was put on a plane to Saudi Arabia....The Supreme Court had earlier ruled there was no constitutional restriction on his return....Scores of his supporters were also arrested as riot police fired tear gas and made baton charges in Lahore....The authorities earlier made clear they would not countenance the presence of opposition leaders such as the Sharifs or another exiled former premier, Benazir Bhutto.” [35e]

4.52 The BBC’s ‘Timeline’ for Pakistan noted that Pakistan was readmitted to the Commonwealth in May 2004. [35b] (p6)

4.53 On 24 May 2004, the BBC reported that “Pakistani police have arrested six more people in Karachi they suspect are members of an outlawed Islamic militant group, Harkat-ul-Mujahideen al-Almi....They said a quantity of weapons were seized after the arrests....The latest arrests follow the detention last week of an alleged leader of the group, Kamran Atif.” [35f]

4.54 Following sectarian violence in Karachi in May, the BBC reported on 2 June 2004 that:

“The police chief of the Pakistani city of Karachi has been removed after three days of violence claimed about 25 lives, a police spokesman said....A Sunni Muslim cleric was killed on Sunday and at least 20 people died in a bombing at a Shia mosque a day later. Three more died in clashes with police....President Pervez Musharraf had pledged action to curb the sectarian violence....The BBC’s Zaffar Abbas in Islamabad says Karachi in particular has a long history of religious and ethnic violence, but the month of May was the worst in recent years – with more than 50 people killed in different incidents of violence....Three weeks ago at least 14 people were killed when a man, apparently dressed as a Shia cleric, blew himself up in a Shia mosque.” [35h] (p1-2)

4.55 On 3 June 2004, the BBC reported clashes between protesters and security forces in the northern Pakistan city of Gilgit and town of Hunza. According to the report, “The[y] [Shias in both places] were protesting against the government’s decision to impose a ban on rallies staged by the Shia community....They have been campaigning for changes in the curriculum, particularly in textbooks for religious studies, which they say only present a Sunni Muslim version of Islamic history.” The report advised that an indefinite curfew had been put in place in the area. [35k] (p1-2)

4.56 On 3 June 2004, the BBC also reported that:

“The governing Pakistan Muslim League party (PML) in the southern province of Sindh has offered to form a coalition with seven opposition parties....He [Chaudhry Shujaat Hussein, the PML’s President] asked the opposition parties – including the Pakistan Peoples Party (P) and the Muttahida Majlis E Aamal (MMA) for their cooperation in dealing with the province’s law and order crisis, and floated the idea of forming a consensus government....Mr Hussain said that the move was not opposed by any of the opposition parties....However, none of the parties was willing to say how such a government of national consensus would help improve law and order in Karachi, where unidentified extremists have been involved in bomb explosions and suicide attacks.” [35m]

4.57 On 4 June 2004 the BBC reported that “Pakistan has successfully test-fired a medium range missile capable of carrying nuclear warheads for the second time in less than a week....Senior officials told the Associated Press that Friday’s launch was part of routine testing to improve Pakistan’s missiles....A spokesman said the new Indian government had been informed the test would take place....Both countries recently agreed to hold talks on the nuclear issue.” [35g]

4.58 According to a BBC news report of 14 June 2004:

“Eight people arrested in Pakistan for suspected al-Qaeda [al-Qa’ida] links have appeared in court. They were remanded in custody for 14 days, accused of week’s [sic] attack on a senior army general, and other attacks in the city of Karachi. The accused are alleged to be members of a newly formed terror group called Jund Allah, or God’s Brigade. The Pakistani government says they may have attended an al-Qaeda training camp in the region of South Waziristan....One of those detained over the weekend is said to be a nephew of top al-Qaeda suspect Khalid Sheikh Mohammed, arrested last year in Rawalpindi.” [35r]

4.59 Pakistan newspaper Dawn reported on 14 June 2004:

“KARACHI, June 14: Rangers have arrested a man suspected to have masterminded a spate of attacks on Shi’ite Muslims in which scores of people were killed, officials said today. Dawood Badani, a member of Lashkar-e-Jhangvi group, was arrested in Karachi at the weekend, Major-General Javed Zia, chief of the rangers in Karachi, told reporters. “He is a key member of the

group,” Zia said.” [33a] (p1)

4.60 On 24 June 2004, the BBC reported that:

“Pakistan’s new National Security Council has met for the first time amid continuing opposition protests that it is trying to usurp power....It was called in Islamabad to discuss law and order after several months of militant violence across the country....Thursday’s [24 June] meeting addressed Pakistan’s deteriorating law-and-order situation, the weeks of killings in Karachi, and anti-Al Qaeda operations on the Afghan border....The opposition alliance of religious parties, the MMA, however, was having no part in the talks....It fears the council –headed by Pakistan’s military president, General Musharraf – formalises a role for the army in civilian democracy.” [35u]

4.61 On 27 June 2004, BBC news reported that the Prime Minister, Zafarullah Khan Jamali, had resigned after pressure from party colleagues and the press; his reported views on issues such as the creation of the National Security Council, and alleged refusal to oblige the party’s president on issues he considered unethical or illegal, did not please the president’s camp. The report said that, shortly after his resignation, it was announced that the PML President, Chaudry Shujat Hussain, would take over the post temporarily, and be eventually succeeded by finance minister Shaukat Aziz. [35am]

4.62 According to a BBC news report dated 15 July 2004, “US Deputy Secretary of State Richard Armitage is in Pakistan for talks on counter-terrorism....In India, he said Pakistan still had a lot to do in its efforts to capture Taleban fighters and al-Qaeda militants. But he praised the ongoing peace talks between India and Pakistan.” [35p]

4.63 On 22 August 2004 the BBC reported that up to a dozen suspected al-Qaida members were arrested between 11-15 August 2004, who were thought to be planning attacks on targets such as Musharraf’s residence, army headquarters and the US embassy in Islamabad on 14 August, Pakistan’s Independence Day. It reported that Pakistan had stated that more than 60 suspected militants had been arrested in recent weeks, and that there had been a crackdown on suspected militants since the July arrest of alleged al-Qaida computer expert Mohammad Naeem Noor Khan, who was believed to have given vital information about Osama bin Laden’s network. [35ak] On 30 August 2004 the BBC also reported that three tribesmen were among four people killed on 23 August in North Waziristan, when the army battled with alleged al-Qaida suspects, [35a]

4.64 On 25 August 2004, the BBC reported that Prime Minister Hussain had resigned; he did so a week after Aziz had fulfilled a requirement for the post of Prime Minister by winning a seat in Parliament. [35an] Three days later, the BBC reported that Aziz had taken the oath as Pakistan’s 21st Prime Minister. [35ao] Pakistan’s newspaper, the Daily Dawn, announced that Musharraf was to administer the oath to the new cabinet during a ceremony on 31 August 2004. [33j]

4.65 For history prior to 1997, refer to Europa World Year Book 2004. [1]

5 State Structures

The Constitution

5.1 According to the Europa World Year Book 2004:

“Pakistan’s Constitution was promulgated on 10 April 1973, and amended on a number of subsequent occasions....The Preamble upholds the principles of democracy, freedom, equality, tolerance and social justice as enunciated by Islam. The rights of religious and other minorities are guaranteed....Fundamental rights are guaranteed and include equality of status (women have equal rights with men), freedom of thought, speech, worship and the press and freedom of assembly and association....The Federal Legislative consists of the President, a lower [the National Assembly] and an upper house [the Senate].” [1] (p3279)

5.2 Europa also noted that “Several provisions of the Constitution were suspended following the imposition of martial law in 1977. The (amended) Constitution was restored on 30 December 1985. The Constitution was placed in abeyance on 15 October 1999 following the overthrow of the government in a military coup. The Constitution, incorporating a Legal Framework Order, was revived on 15 November 2002.” [1] (p3279)

(See also History Section paragraphs 4.11 - 4.12 and 4.27 – 4.36)

5.3 A Pakistani government press conference on 21 August 2002 reported that:

“President General Pervez Musharraf announced [plans] to restore Article 58 (2-B) and establish National Security Council (NSC) as part of the Constitution, to effect essential mechanism of checks and balances for achieving a sustainable democratic order....At the packed Chaghai auditorium, the president said that he would hold the offices of the President and the Chief of Army Staff for the next five years to ensure continuity of the reforms package after the October 10 [2002] general polls.... He [Musharraf] said the 13th amendment of the Constitution has been scrapped, which had revoked the powers of the president to dissolve assemblies and appoint services chiefs in his discretion....On the composition of the NSC, he [Musharraf] said the President would head this consultative body, which would have prime minister, chairman senate, speaker national assembly, leader of the opposition, four provincial chief ministers, CJCSC [Chairman Joint Chiefs of Staff Committee], and three services chiefs.” [43c] (p1-2)

5.4 The announcement of these constitutional changes was followed by the publication, on 21 August 2002, of the text of Legal Framework Order (LFO), 2002. [43d] The LFO amended the 1973 constitution, empowered the Chief Executive to make further constitutional amendments and stipulated that the validity of any provisions or Orders should not be called into question in any court on any ground

whatsoever. [43d] (p2) The provisions of the LFO could override the Constitution or any other Order or law for the time being in force. [43d] (p2)

5.5 According to the US State Department Report 2003 (USSD), published on 25 February 2004:

“After several months of negotiations, on December 29, [2003] the Government and the MMA [Muttahida Majlis-e-Amal – an alliance of six Islamic parties] voted in the national and provincial assemblies to incorporate a large part of the LFO into the 1973 Constitution as its 17th Amendment. The amendment affirmed Musharraf’s presidency until 2007 and his right to serve concurrently as Chief of Army Staff until the end of 2004. The amendment allows the President to dissolve parliament, but requires him to obtain the consent of the Supreme Court within 30 days after doing so.” [2b] (p1)

Citizenship and Nationality

5.6 According to information issued by the Pakistani government (accessed on 6 August 2002), Pakistan citizenship can be acquired in specified circumstances; these include foreign ladies married to Pakistani nationals, and the minor children of Pakistani ladies married to foreigners. [43b] (p1-2) Children born to a Pakistani mother and foreign national father after 18 April 2000 are to be treated automatically as citizens of Pakistan. [43b] (p3) The Government of Pakistan has dual nationality agreements with 13 countries including the UK. [43b] (p3) Pakistani citizens acquiring nationality of a country with which there are no dual nationality arrangements are required to renounce Pakistani nationality. [43b] (p3)

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Political System

Introduction

5.7 According to the Europa World Year Book 2004, Pakistan’s Constitution provides for a Federal Legislative structure, consisting of a President, a lower house (the National Assembly) and an upper house (the Senate). [1] (p3279) Europa reports that “The President is Head of State and acts on the advice of the Prime Minister. He is elected by an electoral college, comprising the two chambers of the Federal Legislature and the four Provincial Assemblies, to serve for a term of five years.” [1] (p3279)

(BUT see History Section, paragraphs 4.11 - 4.12, 4.22 and 4.27 – 4.36)

5.8 According to the US State Department Report 2003 (USSD), published on 25 February 2004:

“In October 1999, General Pervez Musharraf overthrew the elected government of Prime Minister Nawaz Sharif. The Supreme Court later sanctioned the coup; however, it directed Musharraf to restore elected government within 3 years. Musharraf assumed the presidency by decree in 2001, while continuing as Chief of Army Staff and held a nationwide

referendum held in April 2002 that extended his presidency for 5 years. Four months after the referendum, President Musharraf announced a controversial package of constitutional amendments, the Legal Framework Order (LFO), which amended the suspended Constitution to allow: the President to dismiss the Prime Minister and dissolve the Parliament; the creation of a National Security Council (NSC) as a constitutional body; and the insertion of a number of qualification requirements for candidates for Parliament. Several of the amendments had the effect of transferring substantial executive power from the Prime Minister to the previously symbolic presidency.” [2b] (p1)

5.9 According to the Europa World Year Book 2004, each of the four provinces had a Governor appointed by the President, each province also had a provincial legislature consisting of the Governor and the Provincial Assembly and the Chief Minister of each provincial government was appointed by the Governor. [1] (p3279) However, after the coup the provincial assemblies were suspended and General Musharraf appointed governors for the four provinces. [1] (p3260)

5.10 According to the USSD 2003:

“Elections were held for local governments in 2001, and for the National Assembly in October 2002....In February [2003] Senate elections were held and resulted in 55 seats for the Pakistan Muslim League Quaid-e-Azam (PML-Q) and allied parties and 45 members for the opposition. A ruling coalition headed by the PML-Q controls both houses of the national Parliament and the provincial assemblies in Punjab and Sindh. After several months of negotiations, on December 29, the Government and the MMA voted in the national and provincial assemblies to incorporate a large part of the LFO into the 1973 Constitution as its 17th Amendment. The amendment affirmed Musharraf's presidency until 2007 and his right to serve concurrently as Chief of Army Staff until the end of 2004. The amendment allows the President to dissolve parliament, but requires him to obtain the consent of the Supreme Court within 30 days after doing so. Opposition parties say the amended constitution legitimizes the powerful role of the military in politics, and left a great deal of power in the hands of the president.” [2b] (p1)

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Main Political Parties Following the Coup

5.11 The Election Commission of Pakistan issued ‘The Political Parties Rules, 2002’ [40a] in response to Article 19 of The Political Parties Order, 2002, which set various conditions for participation in the electoral process by political parties. [27b] Among other criteria they both state that a political party must conduct internal elections and submit a certificate of intra-party elections as well as a consolidated financial statement of the party's accounts to the Election Commission. [40a] (p2-4) and [27b] (p4-5) The Order gives the criteria for eligibility to obtain an election symbol. [27b] (p5-6) The Election Commission also issued a statement of registered political parties and their symbols. [40b]

5.12 According to the Europa World Year Book 2004, “Some 73 parties, issued with election symbols by the Election Commission, contested the general election on 10 October 2002.” Europa states that three alliances contested the elections: the Alliance for the Restoration of Democracy - ARD – which included the Pakistan Muslim League (Nawaz) and the Pakistan People’s Party Parliamentarians; the National Alliance, which included the National People’s Party, the Millat Party, the Sindh National Front, the Sindh Democratic Alliance and the National Awami Party; and the Muttahida Majlis-e-Amal, comprising Jamaat-e-Islami Pakistan, Jamiat-e-Ulema-e-Pakistan, Jamiat-e-Ulema-e-Islam (S), Jamiat-e-Ulema-e-Islam (F), Islami Tehreek Pakistan and Jamiat Ahl-e-Hadith. [1] (p3282)

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Federal Legislature

5.13 According to the Europa 2004:

“The Federal Legislature consists of the President, a lower and an upper house. The lower house, called the National Assembly, has 207 members elected directly for a term of five years, on the basis of universal suffrage (for adults over the age of 21 years) plus 10 members representing minorities. The upper house, called the Senate, has 87 members who serve for six years, with one-third retiring every two years. Each Provincial Assembly is to elect 19 senators. The tribal areas are to return eight members and the remaining three are to be elected from the Federal Capital Territory by members of the Provincial Assemblies.” [1] (p3279)

5.14 Europa also stated that “The Legal Framework Order, promulgated by the President in August 2002, increased the number of seats in the Senate from 87 to 100....Its term of office was reduced to five years from six....In accordance with the Legal Framework Order, promulgated by the President in August 2002, the number of seats in the National Assembly increased from 217 to 342, with 60 seats reserved for women and 10 for non-Muslims. Its term of office was reduced by one year to four.” [1] (p3281-3282)

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Judiciary

5.15 According to the CIA World Factbook, updated on 11 May 2004, Pakistan's “Legal system [is] based on English common law with provisions to accommodate Pakistan's status as an Islamic state; accepts compulsory ICJ jurisdiction, with reservations.” [34] (p5)

5.16 According to the US State Department Report 2003 (USSD), published on 25 February 2004:

“The Constitution provides for an independent judiciary; however, in practice, the judiciary remained subject to executive branch and other outside influences, and despite the Government's pledge to respect the independence of the judicial system, the Government took steps to control the judiciary and

to remove the Government from judicial oversight. Low salaries, inadequate resources, heavy workloads, corruption, and intimidation by political and religious pressure groups contributed to judicial inefficiency, particularly in the lower courts. In 2002 the Supreme Court ruled that the October referendum was constitutional and further cast doubt on the independence of the judiciary from the military government. The judicial process continued to be impeded by bureaucratic infighting, inactivity, and the overlapping jurisdictions of the different court systems. Heavy backlogs that severely delayed the application of justice remained, due to scores of unfilled judgeships and to archaic and inefficient court procedures. The politicized appointment process held up the promotion of many lower court judges to the High Courts. Although the higher level judiciary was considered competent and generally honest, there were widespread reports of corruption among lower level magistrates and minor court functionaries. [2b] (p9)

5.17 According to the USSD 2003, "The Federally Administered Tribal Areas (FATA) have a separate legal system, the Frontier Crimes Regulation (FCR), which recognizes the doctrine of collective responsibility." [2b] (p7)

5.18 A 2004 Freedom House report on Pakistan noted that:

"The judiciary consists of civil and criminal courts and a special Sharia (Islamic law) court for certain offenses. Lower courts remain plagued by corruption; intimidation by local officials, powerful individuals, and Islamic extremists; and heavy backlogs that lead to lengthy pretrial detentions. The military regime undermined the Supreme Court's reputation for independence in January 2000, when it ordered all high-ranking judges to swear to uphold the Provisional Constitutional Order issued by Musharraf. When the chief justice and a number of other judges refused, they were replaced. Since then, the courts have rejected subsequent challenges to the legality of military rule. During 2003, the courts' refusal to overturn the LFO [Legal Framework Order] led to a showdown between the judiciary and members of the legal profession, who boycotted court proceedings and released a white paper to the media that criticized the judiciary's lack of independence. Other parts of the judicial system, such as the antiterrorism courts, operate with limited due process rights. A November 1999 ordinance vested broad powers of arrest, investigation, and prosecution in a new National Accountability Bureau and established special courts to try corruption cases. Musharraf has used both to prosecute rival politicians and officials from previous civilian governments. The Sharia court enforces the 1979 Hudood Ordinances, which criminalize nonmarital rape, extramarital sex, and several alcohol, gambling, and property offenses, and provide for Koranic punishments, including death by stoning for adultery, as well as jail terms and fines. According to Human Rights Watch, an estimated 210,000 cases are currently being processed under the ordinances. In part because of strict evidentiary standards, authorities have never carried out the Koranic punishments. The Federally Administered Tribal Areas (FATA) are under a separate legal system, the Frontier Crimes Regulation, which authorizes tribal leaders to administer justice according to Sharia and tribal custom. Feudal landlords and tribal elders throughout

Pakistan continue to adjudicate some disputes and impose punishment in unsanctioned parallel courts called jirgas. A 2002 report issued by Amnesty International raised concerns that the jirgas abuse a range of human rights and are particularly discriminatory toward women.” [19] (p4)

5.19 In February 2002 the Integrated Regional Information Networks (IRIN) reported that army officers were being allowed to preside over anti-terrorist courts (ATCs). IRIN noted that “Previously, a sessions judge presided over cases at ATCs, but under the new provision there will be a three-member team comprising a judge, a magistrate and an army officer at lieutenant-colonel rank or above.” IRIN quoted the chairman of the Human Rights Commission of Pakistan as saying “This is another blow to the judiciary and their freedom. We are not happy with this move.” [41a]

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Legal Rights/Detention

Court System

5.20 According to the US State Department Report 2003 (USSD), published on 25 February 2004, “There were several court systems with overlapping and sometimes competing jurisdictions: Criminal; civil and personal status; terrorism; commercial; family; and military.” [2b] (p9) The USSD 2003 also noted that “The federal Shariat court and the Shari’a bench of the Supreme Court serve as appellate courts for certain convictions in criminal court under the Hudood ordinances....In June [2003] , the MMA-led government of the NWFP passed a bill to implement Sharia law in the province.” [2b] (p11)

5.21 As stated in the USSD 2003:

”The civil judicial system provided for an open trial, the presumption of innocence, cross-examination by an attorney, and appeal of sentences. Attorneys were appointed for indigents only in capital cases. There were no jury trials. Due to the limited number of judges, the heavy backlog of cases, lengthy court procedures, and political pressures, cases routinely take years, and defendants must make frequent court appearances. Cases start over when an attorney changes.” [2b] (p9)

5.22 According to the USSD 2003:

“Under both the Hudood and standard criminal codes, there were bailable and non-bailable offences. According to the Criminal Procedures Code, the accused in bailable offences must be granted bail, and those charged with non-bailable offences should be granted bail if the alleged crime carries a sentence of less than 10 years. Many accused, especially well-connected persons who are made aware of impending warrants against them, were able to obtain pre-arrest bail, and thus were spared arrest and incarceration.” [2b] (p9)

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Anti Terrorism Act and Courts

5.23 According to the US State Department Report 2003 (USSD), published on 25 February 2004:

"The anti-terrorist courts, set up in August 1997, designed for the speedy punishment of terrorist suspects, have special streamlined procedures; however, due to the continued intimidation of witnesses, police, and judges, the courts initially produced only a handful of convictions. Under the act, terrorist killings were punishable by death and any act, including speech, intended to stir up religious hatred, is punishable by up to 7 years' rigorous imprisonment. Additional offenses that can be tried under the Anti-Terrorist Act include acts to stir-up religious feelings; efforts to "wage war against the State;" conspiracy; acts committed in abetting an offense; and kidnapping of or abduction to confine a person. The Government has used the anti-terrorist courts for high-profile cases, including the Daniel Pearl kidnapping and killing, the Meerwala gang rape incident, and the Okara farmer protest. Cases were to be decided within 7 working days, but judges were free to extend the period of time as required. Trials in absentia initially were permitted but later were prohibited. Appeals to an appellate tribunal also were required to take no more than 7 days, but appellate authority since has been restored to the High and Supreme Courts, under which these time limits do not apply. Under the Anti-Terrorist Act, bail was not to be granted if the court has reasonable grounds to believe that the accused is guilty." [2b] (p9-10)

5.24 As noted in the USSD 2003:

"In 2001 and again in November 2002, the Government approved amendments to the Anti-Terrorist Act. The ordinance defines terrorism as "the use or threat of action where the use, or threatened use, is designed to coerce and intimidate or overawe the Government or the public or a section of the public or community or sect or create a sense of fear or insecurity in society; and the use or threat is made for the purpose of advancing a political, religious, ideological, or ethnic cause." The Parliament has yet to ratify the amendment, which gives the Government the authority to restrict the activities of suspected terrorists, probe their assets, and hold them for up to a year, without charges filed against them." [2b] (p10)

5.25 According to the USSD 2003:

"Leading members of the judiciary, human rights groups, the press, and politicians from a number of parties expressed strong reservations about the anti-terrorist courts, charging that they constitute a parallel judicial system and could be used as tools of political repression. For example, according to the Lawyers Committee for Human Rights, Zia Ahmed Awan, president of the Karachi-based Lawyers for Human Rights Legal Aid, said, "it would only increase the victimization of ordinary people at the hands of the police and other law enforcement agencies." The anti-terrorist courts also are

empowered to try persons accused of particularly "heinous" crimes, such as gang rape and child killings, and several persons have been tried, convicted, and executed under these provisions." [2b] (p10)

5.26 In February 2002 the Integrated Regional Information Networks (IRIN) reported that army officers were being allowed to preside over anti-terrorist courts (ATCs). It noted that "Previously, a sessions judge presided over cases at ATCs, but under the new provision there will be a three-member team comprising a judge, a magistrate and an army officer at lieutenant-colonel rank or above." IRIN quoted the chairman of the Human Rights Commission of Pakistan as saying "This is another blow to the judiciary and their freedom. We are not happy with this move." [41a]

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Federal Administered Tribal Areas

5.27 According to the US State Department Report 2003 (USSD), published on 25 February 2004, "The Federally Administered Tribal Areas (FATA) have a separate legal system, the Frontier Crimes Regulation (FCR), which recognizes the doctrine of collective responsibility." [2b] (p7) The USSD 2003 also noted that:

"Administration of justice in the FATA normally is the responsibility of tribal elders and maliks, or leaders. They may conduct hearings according to Islamic law and tribal custom. In such proceedings, the accused have no right to legal representation, bail, or appeal. The usual penalties consist of fines, even for murder. However, the Government's political agents, who were federal civil servants assigned to tribal agencies, oversaw such proceedings and could have imposed prison terms of up to 14 years." [2b] (p11)

In May 2002 the Integrated Regional Information Networks (IRIN) reported a package of reforms for FATA which included plans for the establishment of a new judicial system and a new administrative structure. [41c] (p1)

Tribal Justice System

5.28 In a paper dated August 2002 Amnesty International reported:

"The system of justice administered by tribal *sardars*, heads of tribes, is not only ruled out by the Constitution in areas other than the designated tribal areas; the institution of the *sardar* was formally abolished in the System of Sardari (Abolition) Act, 1976 which says in the preamble:

"The system of Sardari, prevalent in certain parts of Pakistan, is the worst remnant of the oppressive feudal and tribal system which, being derogatory to human dignity and freedom, is repugnant to the spirit of democracy and equality as enunciated by Islam and enshrined in the Constitution of the Islamic Republic of Pakistan and opposed to the economic advancement of the people.

A quarter century later, the system stills exists and operates without legal authority. *Sardars* commenting on the Act of 1976 have told Amnesty International that “you cannot finish the jirga system by decree, it is more effective than the official system...it will only dry out if the judiciary works and provides due process of law.” [4e] (p5)

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Sharia Law

5.29 According to the Europa World Year Book 2004:

“In May 1991 the National Assembly adopted legislation imposing the incorporation of Shari’a, the Islamic legal code, in Pakistan’s legal system. The Assembly also adopted legislation providing for the Islamization of the educational, economic and judicial systems. Benazir Bhutto criticized the legislation as being extreme and fundamentalist, while the right-wing JUI [Jamiat-e-Ulema-e-Islam] claimed that the new law’s provisions were not stringent enough.” [1] (p3257)

5.30 According to the US State Department Report 2003 (USSD), published on 25 February 2004:

“The federal Shariat court and the Shari’a bench of the Supreme Court serve as appellate courts for certain convictions in criminal court under the Hudood ordinances. The federal Shariat court also may overturn any legislation judged to be inconsistent with the tenets of Islam. However, these cases may be appealed to the Shari’a bench of the Supreme Court. In June, the MMA-led government of the NWFP passed a bill to implement Shari’a law in the province. The bill gave Shari’a precedence over secular provincial law, proposed restricting the rights of women and harmonizing the educational and financial systems with the Koran. The bill passed unanimously and without debate and human rights activists demonstrated against it in rallies and other protests. However, no implementing legislation or regulations have been issued, and no enforcement action had been taken as of year’s end.” [2b] (p11)

5.31 The USSD 2003 also noted that “Appeals of certain Hudood convictions involving penalties in excess of 2 years imprisonment were referred exclusively to the Shariat courts and were heard jointly by Islamic scholars and High Court judges using ordinary criminal procedures. Judges and attorneys must be Muslim and must be familiar with Islamic law. Within these limits, defendants in a Sharia court were entitled to the lawyer of their choice. There was a system of bail.” [2b] (p11)

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Hudood Ordinances

5.32 According to a June 1994 Report by the Canadian Research Directorate:

“The 1979 *Hudood* Ordinances, which came into effect in 1980, bring together five Islamic laws applying to theft (Offences Against Property Ordinance), to the prohibition of alcohol and narcotics (Prohibition Order), to *zina*, that is, to rape, abduction, adultery and fornication (Offence of *Zina* Ordinance), to *qazf*, that is false accusation of *zina* (Offence of Qazf Ordinance) and to the type of flogging inflicted for infractions of any of the aforementioned laws (Execution of the Punishment of Whipping Ordinance).” [12c] (p11)

5.33 According to the US State Department Report 2003 (USSD), published on 25 February 2004:

“Offenses were distinguished according to punishment, with some offenses liable to Hadd, or Koranic, punishment (see Sections 1.c. [in USSD 2003]) , and others to Tazir, or secular, punishment. Although both types of case were tried in ordinary criminal courts, special, more stringent rules of evidence apply in Hadd cases; Hadd punishments were mandatory if there was enough evidence to support them (see Section 5 [in USSD 2003]). If the evidence falls short of Hadd criteria, then the accused may be sentenced to a lesser class of penalties (Tazir). Since it is difficult to obtain sufficient evidence to support the Hadd punishments, most rape cases are tried at the Tazir level, under which sentences may be imposed of up to 25 years in prison and 30 lashes.” [2b] (p10)

The USSD 2003 also noted that “No Hadd punishment has been applied in the more than twenty years that the Hudood ordinances have been in force. [2b] (p23)

5.34 According to a 2004 Freedom House report on Pakistan, “The Sharia court enforces the 1979 Hudood Ordinances, which criminalize nonmarital rape, extramarital sex, and several alcohol, gambling, and property offences, and provide for Koranic punishments, including death by stoning for adultery, as well as jail terms and fines...In part because of strict evidentiary standards, authorities have never carried out the Koranic punishments.” [19] (p4)
(See also Section on Women, paragraph 6.127)

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Qisas and Diyat Ordinances

5.35 According to a 1993 Profile on Pakistan issued by the Immigration and Naturalization Service Resource Information Centre:

“Punishment under the Hadood Ordinances is usually imprisonment; however, it can include flogging or other punishments which are considered to violate international human rights standards. For example, a 1990 Federal Shari’a Court decision called for the Islamic concepts of Qisas (an ‘eye for an eye’) and Diyat (blood money) to be made part of the Pakistani Penal Code and Code of Criminal Procedure. To comply with this ruling, President Khan promulgated the Qisas and Diyat Ordinance which redefines several categories of bodily hurt and their punishments under the Pakistan Penal Code.” [3] (p25)

5.36 According to the US State Department International Religious Freedom Report 2003, published on 18 December 2003, "Qisas was invoked in tribal areas. For example, victims' families reportedly have been allowed to kill murderers after conviction by a 'jirga' (council of tribal elders). Diyat occasionally was applied as well, particularly in the NWFP, in place of judicial punishment. According to this principle, only the family of the victim, not the State, may pardon the defendant." [2a] (p7)

5.37 According to the US State Department Report 2003 (USSD), published on 25 February 2004, "Appeals of certain Hudood convictions involving penalties in excess of 2 years imprisonment were referred exclusively to the Shariat courts and were heard jointly by Islamic scholars and High Court judges using ordinary criminal procedures. Judges and attorneys must be Muslim and must be familiar with Islamic law. Within these limits, defendants in a Shariat court were entitled to the lawyer of their choice. There was a system of bail." [2b] (p11)

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Blasphemy Law

5.38 According to the US State Department International Religious Freedom Report 2003, published on 18 December 2003:

"The "blasphemy laws" are contained in Sections 295, 296, 297, and 298 of the Penal Code and address offenses relating to religion. Section 295(a), a colonial-era provision, originally stipulated a maximum 2-year sentence for insulting the religion of any class of citizens. In 1991 this sentence was increased to 10 years. In 1982 Section 295(b) was added, which stipulated a sentence of life imprisonment for "whoever willfully defiles, damages, or desecrates a copy of the holy Koran." In 1986 during the martial law period, another amendment, Section 295(c), established the death penalty or life imprisonment for directly or indirectly defiling "the sacred name of the Holy Prophet Mohammed." In 1991 a court ruled invalid the option of life imprisonment for this offense. Section 296 outlaws voluntary disturbances of religious assemblies, and Section 297 outlaws trespassing on burial grounds. Section 298(a), another colonial-era provision, forbids the use of derogatory remarks about holy personages. Personal rivals and the authorities have used these blasphemy laws, especially Section 295(c), to threaten, punish, or intimidate Ahmadis, Christians, and even orthodox Muslims. No person has been executed by the State under any of these provisions; however, some persons have been sentenced to death, and religious extremists have killed persons accused under the provisions. The blasphemy laws also reportedly have been used to "settle scores" unrelated to religious activity, such as intra-family or property disputes. There were 67 blasphemy cases pending throughout the country as of the end of the period covered by this report." [2a] (p5)

5.39 The USSD Report on International Religious Freedom 2003 also stated that:

“President Musharraf attempted to modify the blasphemy laws in April 2000. The attempted reform would have required complainants to register new blasphemy cases with the local deputy commissioners instead of with police officials, in an attempt to reduce the number of persons who are accused wrongly under the laws. Religious and sectarian groups mounted large-scale protests against the proposed change and some religious leaders stated that if the laws were changed, even just procedurally, persons would be justified in killing blasphemers themselves. In May 2000, in response to increasing pressure and threats, Musharraf abandoned the proposed reforms to the blasphemy laws. [2a] (p5)

5.40 According to the US State Department Report 2003 (USSD), published on 25 February 2004, “During the year [2003], the number of cases filed under the blasphemy laws continued to be significant. A local NGO estimated that 157 persons had been incarcerated for violations of the blasphemy law during the year.” [2b] (p15) In February 2003 the Human Rights Commission of Pakistan [HRCP], in reporting the murder of a person accused of blasphemy, stated “HRCP fears that given the increased climate of intolerance in the country, more persons could face a similar threat. It is as such vital that steps be taken to protect all such persons held in custody and also extend greater security cover to those appearing before courts....The heightened threat to those charged under the flawed law once more underscores the increasingly urgent need to review the statute and take measures to prevent its widening misuse to settle petty scores and minor disputes.” [27a] (p8-9)

5.41 According to the USSD 2003: “Police also arrest Muslims under the blasphemy laws; government officials maintain that approximately two-thirds of the total blasphemy cases that have been brought to trial have affected Muslims.” [2b] (p16) The USSD 2003 also noted: “When blasphemy and other religious cases are brought to court, extremists often pack the courtroom and make public threats about the consequences of an acquittal. As a result, the accused often are denied requests for bail on the grounds that their lives would be at risk from vigilantes if released. Many judges also try to pass such cases to other jurists; some judges reportedly have handed down guilty verdicts to protect themselves and their families from religious extremists.” [2b] (p16)

5.42 According to a 2004 Freedom House report on Pakistan:

“Human rights groups say that instances of Muslims bribing low-ranking police officials to file false blasphemy charges against Ahmadis, Christians, Hindus, and occasionally, other Muslims have been increasing sharply in recent years...To date, appeals courts have overturned all blasphemy convictions, but suspects are generally forced to spend lengthy periods in prison, where they are subject to ill-treatment, and they continue to be targeted by religious extremists after they are released.” [19] (p3)

5.43 It was reported by Dawn newspaper on 9 July 2003 “Peshawar July 8: Additional District and Sessions judge Sardar Irshad on Tuesday convicted a sub-editor of The Frontier Post, Munawar Mohsin, in a blasphemy case and sentenced him to life imprisonment with a fine of Rs50,000. The judge held Mr Mohsin responsible for

publication of a blasphemous letter in the said newspaper on Jan 29, 2001, which had resulted in violent demonstrations across the country.” [33f] (p1)

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Accountability Commission

5.44 On 30 May 1997, the BBC Monitoring Service reported that “The National Assembly passed the Ehtesab [Accountability] Bill last night [29 May] making holders of representative offices and bureaucrats accountable. The bill, which applies to those who have held public office since 6th November 1990, provides a mechanism for the just and fair trial of people guilty of corrupt practices through an independent office of the chief accountability commissioner. [8a]

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National Accountability Bureau (NAB)

5.45 According to the US State Department Report 2003 (USSD), published on 25 February 2004, “The Government created the National Accountability Bureau (NAB) and special accountability courts to try corruption cases. The National Accountability Ordinance (NAO) permitted the NAB to hold suspects without charge for 15 days, renewable with judicial concurrence.” [2b] (p6)

5.46 The USSD 2003 also noted that:

“The NAB and special accountability courts try corruption cases (see Section 1.d. [in USSD 2003]). The NAB was created in part to deal with as much as \$4 billion (PKR 208 billion) estimated to be owed to the country's banks by debtors, primarily from among the wealthy elite. The Government stated that it would not target genuine business failures or small defaulters and does not appear to have done so. The NAB was given broad powers to prosecute corruption cases, and the accountability courts were expected to try such cases within 30 days. As originally promulgated, the ordinance prohibited courts from granting bail and gave the NAB chairman sole power to decide if and when to release detainees....The Government denied press reports that it had decided not to pursue accountability cases against active members of the military or the judiciary; however, the NAB has charged no serving members of the military or the judiciary.” [2b] (P10)

5.47 On 2 June 2000, the Dawn newspaper, reporting on an announcement by the Federal Finance Minister, Shaukat Aziz, stated:

“Henceforth, he [Aziz] declared that NAB will initiate fresh proceedings against any banker or bankers only after getting an approval from the State Bank of Pakistan. The NAB will now proceed against any businessman or business group only after the case has been processed by a four member Committee that include the Finance and Commerce ministers, the Chairman of the NAB and the staff officer of the Chief Executive....Before the NAB starts investigation against

such businessmen, he said, the businessman may be given a chance to offer his version before the four member Committee. [33b]

5.48 On 7 April 2001, in reporting on an appeal to the Supreme Court, the Dawn also cited criticisms of NAB:

“Only the NAB chairman is empowered to release a detainee or even an under-trial prisoner....The Bureau may also detain any suspect for 90 days without remand. The Provision shifting the burden of proof on to the accused will also come under scrutiny. But the most fundamental challenge targets the establishment of a parallel chain of courts outside the normal judicial hierarchy and not subject to the control and supervision of high courts as envisaged by the constitution....The existing NAB Ordinance not only does not countenance trial in absentia, it prescribes a three-year jail term for any respondent who failed to appear and defend himself/herself before an accountability court.” [33c]

5.49 A Press Release of 28 November 2002 from NAB stated:

“He [the NAB spokesman] said that [the] appointment of [the] Chairman [of] NAB by the President will be made in consultation with the leader of the house and the leader of the opposition in the National Assembly....He added that once the appointment is made, the Chairman does not seek any direction from the President or the Prime Minister in the discharge of his obligations....He added that the National Security Council, which is represented by all political stakeholders, shall act as a non-intrusive overwatch body of NAB.” [26a]

5.50 A NAB organisational chart shows that NAB operates in Baluchistan [Balochistan], Sindh, Punjab, the North West Frontier, Rawalpindi and is organised as follows:

“Identification and Inquiry Wing is the feeding point of all operations....Investigation Wing is headed by a Director, assisted by case officer to guide and monitor the process of investigation. All investigations are conducted by a team of Case Officer, Investigation Officer, a lawyer, and relevant expert....[Prosecution Wing] This Wing is responsible for preparation filing and pursuance in a court of law up to and including appeal stage....[Financial Crime Investigation Wing] Headed by Senior Executive Vice President, is a forensic accounting/investigation team....[Overseas Operations Cell] Is responsible for liaison with international agencies for investigation, mutual legal assistance, extraditions and issuance/execution of Red Warrants. It is also responsible for tracing of international assets of accused persons....Administration wing in NAB/RABS is responsible for logistics, budgets and central registry subjects.” [26b]

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Arbitrary Arrest

5.51 According to the US State Department Report 2003 (USSD), published on 25 February 2004:

“The law prohibits arbitrary arrest and detention; however, the authorities did not always comply with the law. The law permits the District Coordinating Officer (DCO) of a local district to order detention without charge for 30 days of persons suspected of threatening public order and safety. The DCO may renew detention in 30-day increments, up to a total of 90 days; however, human rights monitors report instances in which prisoners jailed under the Maintenance of Public Order Act have been imprisoned for up to 6 months without charge. For other criminal offenses, police may hold a suspect for 24 hours without charge. After a prisoner appears before a magistrate, the court may grant permission for continued detention for a maximum period of 14 days if the police provide material proof that this is necessary for an investigation.” [2b] (p6)

5.52 The USSD 2003 also noted that:

“If the police can provide material proof that detention (physical remand or police custody for the purpose of interrogation) is necessary for an investigation, a court may extend detention for a total of 14 days. However, such proof may be little more than unsubstantiated assertions by the police. In practice the authorities do not observe fully the limits on detention. Police are not required to notify anyone when an arrest is made and often hold detainees without charge until a court challenges them. The police sometimes detained individuals arbitrarily without charge or on false charges to extort payment for their release. Human rights monitors reported that a number of police stations have secret detention cells in which individuals are kept while police bargain for their release. There also were reports that the police move prisoners from one police station to another if they suspect a surprise visit by higher authorities. Some women continued to be detained arbitrarily and sexually abused (see Sections 1.c. and 5. [USSD 2003]). Police also detained relatives of wanted criminals in order to compel suspects to surrender (see Section 1.f. [USSD 2003]).” [2b] (p7)

5.53 According to the USSD 2003:

“Police may arrest individuals on the basis of a First Incident Report (FIR) filed by a complainant and have been known to file FIR's without supporting evidence. FIR's frequently were used to harass or intimidate individuals. Charges against an individual also may be based on a "blind" FIR, which lists the perpetrators as "person or persons unknown." If the case is not solved, the FIR is placed in the inactive file. When needed, a FIR is reactivated and taken to a magistrate by the police; the police then name a suspect and ask that the suspect be remanded for 14 days while they investigate further. After 14 days, if the case is dropped for lack of evidence, another FIR is activated and brought against the accused. In this manner, rolling charges can be used

to hold a suspect in custody continuously.” [2b] (p7)

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Death Penalty

5.54 UNHCR’s May 1998 Background Paper on Refugees and Asylum Seekers from Pakistan notes that:

“According to Amnesty International, the Penal Code of Pakistan includes provisions for imposing the death penalty for numerous offenses such as murder (section 302); murder in the course of a robbery (section 17(4)), offenses against property (Haddood Ordinance); waging war or abetting the waging of war against the state (section 121); abetting mutiny (section 13); kidnapping for ransom (section 364); kidnapping a person under the age of 10 with intent of murder or causing grievous bodily harm (section 364-a), robbery (section 396); hijacking (section 402(b)) and harbouring a hijacker (section 402(c)); *zina* and rape (Haddood Ordinance); blasphemy (section 295(c)); drug trafficking; planning to or sabotaging the railway system, and arms trading (September 1996). In March 1997 the Pakistan National Assembly extended the death penalty to gang rape (Amnesty International, June 1997; Dawn Wire Service, 8 March 1997; 7 March 1997). [20a] (p14)

5.55 According to a statement issued by Amnesty International on 21 February 2003, “There are no accurate figures available for the number of people currently under sentence of death in Pakistan but Amnesty International has cause to believe that well over 5500 people are being held on death row. In 2003 at least 8 people were executed and another 140 were given the death penalty.” [4g]

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Internal Security

General

5.56 According to the US State Department’s Report 2003 (USSD), published on 25 February 2004:

“The police have primary internal security responsibilities, although paramilitary forces, such as the Rangers and the Frontier Constabulary, provide support in areas where law and order problems are acute, such as Karachi and the frontier areas. Provincial governments control the police and the paramilitary forces when they are assisting in law and order operations. During some religious holidays, the regular army was deployed in sensitive areas to help maintain public order. Senior government and ruling party members tightly controlled the security forces; however, there were instances in which elements of the security forces acted independently of government authority. Some members of the security forces committed numerous serious human rights abuses.” [2b] (p1)

The USSD 2003 also noted that, “The Government enacted measures to improve the discipline and training of security forces and punished some security forces officials who were guilty of abuses; however, abuses by security forces remained a problem.” [2b] (p2) ... “Police corruption was most serious at the level of the Station House Officer (SHO), the official who runs each precinct. Some SHOs widely were believed to operate arrest-for-ransom operations and to have established unsanctioned police stations to collect illicit revenue.” [2b] (p7)

Police

5.57 (See Section on Police under Human Rights Issues, paragraphs 6.10-6.14 and Section on Arbitrary Arrest 5.51-5.53)

Army

5.58 On 24 December 2003, the BBC reported that:

“Pakistan’s military has directly and indirectly managed the country’s affairs for more than half the period of its independence...Pervez Musharraf’s coup in 1999 strengthened the secular tendencies in the army, but has not guaranteed its permanence. The domestic political consequences of Islamabad joining the war on terror, the withdrawal of Inter Services Intelligence [ISI – see paragraphs 5.61-5.62 below] support from the Taliban and militants fighting in Kashmir, and the sectarian violence across Pakistan, mean that national politics remain febrile, and stability fragile. The army’s hold is being contested in many areas, and this is often viewed by the establishment as a threat to national integrity.” [35aq] (p1-2)

5.59 On 25 June 2003, the BBC reported that:

“More than 2,000 soldiers from the Pakistan Army and the paramilitary Frontier Corps have finally overcome a week-long tribal resistance to extend the writ of the government to hitherto unadministered areas bordering Afghanistan...The Mohmand tribal agency, one of the seven such semi-autonomous areas in Pakistan’s North West Frontier Province (NWFP) referred to as the Federally Administered Tribal Areas (FATA) is now fully under the control of the heavily-armed troops....The incursion allowed the government to establish eight border posts on the so-called Durand Line, which forms the border between Pakistan and Afghanistan.” The report quoted Musharraf as saying “Pakistani forces had for the first time in over a century entered the tribal areas in search of al-Qaeda [al Qa’ida] members.” [35ab]

5.60 A subsequent BBC report of 16 September 2003 stated that “Pakistani officials say that troops have been deployed along the border near Balochistan [Baluchistan] province to try to stop the activities of al Qaeda and suspected Taliban fighters in the area....He [the BBC correspondent] says that the [Pakistan] army and Frontier Corp personnel are reported to have begun joint patrols.” [35aa] On 11 September 2003, the Dawn newspaper also reported the unique installing of a police force

across the southwest border province of Balochistan, stating that "Security in 95 per cent of the Islamic republic's largest and least populated province has been in the hands of tribal clans since Pakistan's creation 56 years ago....Thousands of former Taliban are believed to be living in Balochistan since the fall of the hardline militia's regime in neighbouring Afghanistan." [33g]

Inter-Services Intelligence (ISI)

5.61 According to a 2004 entry on web-site 'encyclopedia.thefreedictionary.com':

"The Directorate for Inter-Services Intelligence (also Inter-Services Intelligence or I.S.I.) is the principal intelligence body of Pakistan. The ISI provided most of the operational and organizational leadership during the US-funded insurgency in Afghanistan against the USSR. It is widely believed that they are playing a similar role in the Kashmir region. ISI is headed by a lieutenant-general or a 3 star General of Pakistan Army. The roots of the ISI go back to the U.S. -backed guerrilla war to oust the Soviet Army from Afghanistan in the 1980s. That CIA (Central Intelligence Agency)-backed effort flooded Pakistan with weapons and Afghan, Pakistani and Arab ""mujahideen", who fought under the name of Islam. In order to train fighters, distribute arms, channel money, the CIA relied on the ISI. During the Soviet invasion from 1979-1989, the ISI monitored the activities of and provided advice and support to the mujahideen, and commandos from the Army's Special Services Group helped guide the operations inside Afghanistan. The ISI trained about 83,000 Afghan Mujahideen between 1983 and 1997 and dispatched them to Afghanistan. Since its inception one of the goals of the ISI has been intelligence gathering in India. ISI actively supported various insurgent groups throughout India (Punjab, Kashmir, Assam, Northeastern India etc.) complementing the moral (diplomatic) support offered by the Pakistani government to these groups. India regularly accuses the ISI of complicity in various terrorist attacks all over the country (Bombay, Parliament House) in addition to the insurgence prone areas." [45] (p1)

5.62 On 9 January 2002, a BBC news report on the ISI stated that:

"Afghan Interior Minister Younis Qanooni has accused the ISI of helping Bin Laden to flee from Afghanistan. That accusation is dismissed by the Pakistani Government, which views the new Afghan authorities as being pro-Indian, whereas the Taleban were seen as pro-Pakistani. General Gul [a former ISI director-general] claimed that the ISI - said to have supported and funded the Taleban with help from the CIA - was only heavily involved in Afghanistan during the Soviet occupation. "It is wrong that the ISI created the Taleban," he said. "They were a spontaneous response and the ISI and the US started supporting them because everyone wanted an end to the in-fighting between the Afghan factions"...Another former ISI director-general who headed the agency during the early days of the Taleban, General Javed Ashraf Qazi, says: "There has been a change of policy on the Taleban and extremism in general." He said the agency was much less of a law unto itself than generally believed because it was tied into the armed forces. "No one can

make a career out of the ISI," General Qazi said. "ISI people are serving armed forces officers and after three years they go back. The director-general is appointed by the prime minister." [35ar] (p3-4)

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Prisons and Prison Conditions

5.63 According to the US State Department Report 2003 (USSD), published on 25 February 2004:

"Prison conditions were extremely poor and life threatening. Overcrowding was widespread. According to HRCP [Human Rights Commission of Pakistan], there were 80,000 prisoners in jails that were built to hold a maximum of 35,833 persons. Sialkot prison had a prison population of 2,300 in a space designed for 750. Thirteen prisoners died in Adiala and Central Jail in Lahore during the year due to poor treatment and poor conditions. Some 80 percent of prisoners were awaiting trial, mostly for petty offenses". [2b] (p5)

5.64 According to the US State Department Report 2002, issued 31 March 2003:

"There are three classes (A, B, and C) of prison facilities. Class "C" cells generally hold common criminals and those in pretrial detention. Such cells often have dirt floors and no furnishings. Prisoners in these cells reportedly suffered the most abuse, including beatings and forced kneeling for long periods of time. Unsanitary conditions were common in small, poorly ventilated, and decrepit, colonial-era prisons, which mainly were considered class "C." Inadequate food led to chronic malnutrition for those unable to supplement their diet with help from family or friends. Access to medical care was a problem. Mentally ill prisoners normally lacked adequate care and were not segregated from the general prison population (see Section 5. [USSD Report])...."B" cells often were used for prisoners with a university education or who benefit from political connections. Conditions in "A" and "B" cells were markedly better; prisoners in these cells are permitted to have servants, special food, and satellite television. Authorities reserved "A" cells for prominent persons, including political leaders." [2c] (p7)

5.65 The USSD 2003 noted that:

"There are few facilities for convicted prisoners under 21 years of age, and children frequently were incarcerated along with the general adult population. Children offenders often were kept in separate barracks in adult prisons; however, to keep the children separated, most of the time they were confined to their barracks. The Juvenile Justice System (JJSO) was passed on 2000 to protect the rights of children; however, according to AI [Amnesty International], an estimated 4,500 children were held in the nation's prisons, of which 3,000 were awaiting trial....HRW [Human Rights Watch] reported that children frequently were beaten and even tortured while in detention; usually this was

done to extract confessions, but it was done also to punish or intimidate child detainees or to extort payment from their families for their release.” [2b] (p6)

5.66 A report by Amnesty International published on 23 October 2003, titled ‘Pakistan Denial of basic rights for child prisoners’ stated that:

“Girls are held in women’s cells in regular police stations, frequently overnight and interrogated without a woman police officer or a male relative to prevent abuse. The situation in rural areas girl [sic] detainees is worse than in the cities with virtually no female staff and no separate detention facilities in police and judicial lock-ups. Lack of knowledge of the law, impunity, corruption and lack of resources all contribute to the failure of the legal system to ensure children’s rights...As the JJSO is not in force across the whole of Pakistan, children who live in the Federally and Provincially Administered Tribal Areas (FATA and PATA respectively) continue to be subject to the death sentence. Amnesty International is also aware of cases of children in other parts of Pakistan who have been sentenced to death as the magistrate or judge hearing their case did not know of the provision in the JJSO prohibiting death sentences for children. Death sentences are often overturned in the higher courts eventually but only after the child has suffered the trauma of being sentenced to death and spending months or even years in prison.” [41] (p1)

5.67 The USSD 2003 further stated that, “There were reports of prison riots. On July 25 [2003], a riot broke out in Sialkot maximum-security prison, and three judges were taken hostage while inspecting the jail. Police stormed the jail and freed the remaining hostages.” [2b] (p5)

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Military Service

5.68 According to a briefing prepared for Child Soldiers: Convention on the Rights of the Child – CRC – for June 2003, “While there is currently no conscription, government armed forces recruit volunteers at the age of 16. However there is no evidence of deployment before the age of 18....The 1952 Pakistan Army Act allows compulsory military service to be introduced in times of emergency, but this provision has never been applied as the number of voluntary recruits has been sufficient.” [16] (p1)

Medical Services

5.69 According to the US State Department’s Report 2003 (USSD), published on 25 February 2004, “Health care services, like education, remained seriously inadequate for the nation’s children. Children suffered a high rate of preventable childhood diseases. According to the National Institute of Child Health Care, more than 70 percent of deaths between birth and the age of 5 years were caused by easily preventable ailments such as diarrhea and malnutrition.” [2b] (p26)

5.70 The US State Department’s Consular Information Sheet on Pakistan dated 9 June 2004 advised that “Adequate medical care is available in major cities in

Pakistan but is limited in rural areas. With the exception of the Agha Khan Hospital in Karachi, Doctors Hospital in Lahore, and Shifa International Hospital in Islamabad, Americans may find hospital care and cleanliness below U.S. standards.” [2d] (p4)

5.71 The World Health Organisation’s – WHO’s – Country Profile on Pakistan updated August 2004 advised that, for every 10,000 people, there were 7.3 physicians, 0.40 dentists, 3.4 pharmacists, 4.7 nursing and midwifery personnel and 6.8 hospital beds. [5]

5.72 According to the USSD 2003, “The spread of HIV/AIDS was estimated to have affected approximately 2,080 persons during the year, and there was societal discrimination against persons with HIV/AIDS....In response, in October [2003] the Government launched a \$47 million dollar program to combat the disease; however, by year’s end, it was unclear how the program would be implemented. [2b] (p22) BBC news reported on 18 November 2003 that “Pakistan has launched a big programme to tackle Aids after denying that the country has a problem.” [35aj]

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Educational System

5.73 According to the Europa World Year Book 2004, “Universal free primary education is a constitutional right, but education is not compulsory. Primary education begins at five years of age and lasts for five years. Secondary education, beginning at the age of ten, is divided into two stages, of three and four years respectively. [1] (p3273) Europa records the adult literacy rate as being 44.0% (males 58.2%, females 28.8%), and states that in 2001/2002 there was an estimated enrolment figure at middle and secondary schools of 5.6 million, with 50 universities/degree-awarding institutes in the country. [1] (p3279)

5.74 According to the US State Department Report 2003 (USSD), published on 25 February 2004:

“The Government, through its laws and programs, does not demonstrate a strong commitment to children’s rights and welfare. There is no federal law on compulsory education, and neither the federal nor provincial governments provide sufficient resources to assure universal education. The education system is in disarray. Studies showed the gross primary enrollment rate for the country was 86.2 percent....A survey in 2001 found that the enrollment rate for girls under 12 was 65%, which was less than that of boys (75 percent), but considerably higher than the 1990 figure of 50 percent.” [2b] (p25-26)

5.75 The USSD 2003 also noted:

“Under the Madrassah Registration Ordinance of 2002 all madrassas (religious schools) were required to register with the Pakistan Madrassah Education Board and provincial boards or else risk being fined or closed. The ordinance was designed to regulate the madrassas, where many poor children are educated, and to combat religious extremism. The madrassas no longer were allowed to accept grants or aid from foreign sources, although

madrassas offering courses in science, math, Urdu, and English were eligible for government funds. Madrassas were given 6 months to comply. Over 8,000, out of the approximately 10,000 to 20,000 madrassas in the country, were registered at year's end." [2b] (p16)

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6 Human Rights Issues

Overview

6.1 According to the US State Department International Religious Freedom Report 2003, published on 18 December 2003:

"In the autumn of 2001, the Government took steps to curb religious extremism and militancy, imposing some limits on freedom of association, religion, and movement, and banning two of the country's groups known to incite sectarian violence and religious extremism, Lashkar-e-Jhangvi and Sipah-e-Mohammad Pakistan. In January 2002, the Government banned five other groups: Jaish-e-Mohammed, Lashkar-e-Taiba, Sipah-e-Sahaba Pakistan (SSP), Tehrik-e-Jafria and Tehriki-Nifaz-i-Shariat-i-Mohamadi (TNSM). Police raided offices, mosques, and madrassas linked with these groups; announced a ban on fundraising activities; and arrested almost 3,000 party members. Most of those arrested were later released without being charged. During the period covered by this report, most of the banned parties re-named themselves, in order to subvert the ban and continue operations." [2a] (p10)

6.2 According to the US State Department Report 2003 (USSD), published on 25 February 2004:

"The Government's human rights record remained poor; although there were some improvements in a few areas, some serious problems remained. In 2002, citizens participated in national government elections; however, many observers found serious flaws in the legal framework for the election. Security forces used excessive force, at some times resulting in death, and committed or failed to prevent extrajudicial killings of suspected militants and civilians. The Government exacted measures to improve the discipline and training of security forces and punished some security forces officials who were guilty of abuses; however, abuses by security forces remained a problem...Police abused and raped citizens. Prison conditions remained poor and life threatening, and police arbitrarily arrested and detained citizensThe extrajudicial killing of criminal suspects, often while in police custody or in staged encounters, occurred....Police personnel have been known to kill suspected criminals to prevent them from implicating police in crimes during court proceedings....Police personnel continued to torture persons in custody throughout the country." [2b] (p2-3)

6.3 The USSD 2003 also noted that "During the year [2003], the Government

sporadically permitted several large anti-government demonstrations; however, it prevented other protests and arrested organisers, included for security reasons. The government imposed some limits on freedom of association, religion, and movement. Governmental and societal discrimination against religious minorities, particularly Christians and Ahmadis, remained a problem.” [2b] (p2)

6.4 The USSD 2003 further reported that "The press was able to publish relatively freely; however, journalists practiced self-censorship, especially on sensitive issues related to the military, and human rights groups continued to report acts of intimidation against journalists by the central Government. Provincial and local governments occasionally arrested journalists and closed newspapers that were critical of the Government or printed allegedly offensive material.” [2b] (p2)

6.5 Furthermore, the USSD 2003 stated that "Domestic Violence against women, rape, and abuse of children remained serious problems. The government publicly criticized the practice of "honour killings" but such killings continued. Discrimination against women was widespread, and traditional social and legal constraints generally kept women in a subordinate position in society." [2b] (p2)
(See also Sections on Domestic Violence and Honour Killings, 6.141-6.151)

6.6 According to an Amnesty International report on Pakistan accessed 1 October 2004 covering 2003:

“There was a sharp increase in sectarian violence in the second half of the year [2003] particularly in the provinces of Sindh and Balochistan [Baluchistan]. Hundreds of people were arbitrarily detained in the context of the US-led “war on terror”. Human rights abuses against women, children and religious minorities continued to be ignored by the government. There were severe restrictions on freedom of expression in the North West Frontier Province (NWFP) particularly targeting musicians and artists. At least 278 people were sentenced to death and at least eight were executed...At least 76 people were killed during sectarian violence, mostly carried out by unidentified gunmen who were believed to belong to organized sectarian groups.” [4k] (p1)

6.7 A 2004 Freedom House report on Pakistan noted that:

“The constitution and other laws authorize the government to curb freedom of speech on subjects including the constitution, the armed forces, the judiciary, and religion...Pakistan is an Islamic republic, and there are numerous restrictions on religious freedom...Religious minorities also face unofficial economic and societal discrimination and are occasionally subjected to violence and harassment...The government generally does not restrict academic freedom. However, student groups, some of whom have ties to radical Islamist organizations, violently attack or otherwise intimidate students, teachers, and administrators at some universities, which contributes to a climate of intolerance...Despite legislation outlawing bonded labor and canceling enslaving debts, illegal bonded labor continues to be widespread...Feudal landlords and tribal elders throughout Pakistan continue

to adjudicate some disputes and impose punishment in unsanctioned parallel courts called jirgas. A 2002 report issued by Amnesty International raised concerns that the jirgas abuse a range of human rights and are particularly discriminatory toward women.” [19] (3-4)

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Human Rights Groups

6.8 The USSD 2003 stated that “A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases; however, they are required to be licensed. Government officials often were cooperative and responsive to their views. Human rights groups reported that they generally had good access to police stations and prisons.” [2b] (p21-22) According to the US State Department report for International Religious Freedom 2003, “The government provided protection to human rights lawyers defending accused blasphemers following threats and attacks on lawyers by religious extremists.” [2a] (p9) According to the USSD 2003 “International observers were permitted to visit the country and travel freely.” [2b] (p22)

6.9 The USSD 2003 also noted:

“The Ministry of Human Rights, a department within the Ministry of Law, Justice, Human Rights, and parliamentary Affairs, finalized and began limited implementation of a reform program for jails. However, the department is not viewed as effective by human rights observers, and the situation in the prisons did not improve during the year....The independent Human Rights Commission of Pakistan, based in Lahore, although hampered by a shortage of funds, conducted a number of investigations into human rights abuses, visited prisons, and organised several human rights seminars aimed at judicial officials and other government officials.” [2b] (p22)

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Police

6.10 According to the US State Department report for International Religious Freedom 2003, “The Government also continued to promote human rights awareness in its training of police officers.” [2a] (p11)

6.11 The US State Department Report 2003 (USSD), published on 25 February 2004 stated that “Police corruption was widespread.” [2b] (p7) The report further noted that:

“The extra-judicial killing of criminal suspects, often while in police custody or in staged encounters occurred. Police officials generally insisted that these deaths occurred during attempts to escape or to resist arrest; however, family members and the press insisted that many of these deaths were staged. Police personnel have been known to kill suspected criminals to prevent them from implicating police in crimes during court proceedings....Police also

reportedly killed suspected criminals to circumvent or overcome insufficient evidence, to intimidate witnesses, judicial corruption, and, at times, political pressure. Police personnel continued to torture persons in custody throughout the country.” [2b] (p3)

6.12 The USSD 2003 also stated that “Police professionalism was low. At year’s end, the comprehensive package of police reforms had not been implemented fully, and many local officials complained that the system had no real control over the police.” [2b] (p3) The USSD 2003 also noted that “The failure of the Government to investigate and punish abusive police officers effectively created a climate of impunity for police abuse. The failure of the Government to prosecute and to punish abusers effectively was widely considered a great obstacle to ending or reducing police abuse....Actions taken to redress police abuses had mixed results.” [2b] (p7)

6.13 The USSD 2003 noted that “Special women’s police stations have been established in response to numbers of complaints of custodial abuse of women, including rape. Female personnel staffed these stations, but they receive even fewer material and human resources than regular police stations.” [2b] (p5)

6.14 According to the US State Department report on International Religious Freedom 2003, “Police torture and other forms of mistreatment of persons in custody are common. However, there were no confirmed reports of torture of prisoners or detainees because of their religious beliefs during the period covered by this report.” [2b] (p8)

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Torture

6.15 The US State Department Report 2003 (USSD), published on 25 February 2004 stated that “The Constitution and the Penal Code forbid torture and other cruel, inhuman, or degrading treatment; however, security forces regularly tortured, and otherwise abused persons....Human rights observers suggested that, because of widespread torture by the police, suspects usually confessed to crimes regardless of their actual culpability; the courts subsequently at times dismissed such confessions.” [2b] (p4) According to a report published on the website of the Human Rights Commission of Pakistan (accessed March 2004) “The use of torture was extremely widespread in the country - with both police and prison officials responsible for inflicting it. No official was punished for this crime, to the knowledge of the HRCP, with such impunity promoting further instances of torture.” [27c] (p1) The report then detailed a number of specific cases of police torture and illegal detention in 2003 and early 2004.

6.16 The USSD 2003 also reported that, “Over the years, there have been allegations that common methods of torture included: Beating; burning with cigarettes; whipping the soles of the feet; sexual assault; prolonged isolation; electric shock; denial of food or sleep; hanging upside down; forced spreading of the legs with bar fetters; and public humiliation.” [2b] (p5)

Freedom of Speech and Media

6.17 The US State Department Report 2003 (USSD), published on 25 February 2004, stated that:

" The Constitution provides for freedom of speech and of the press, and citizens generally were free to discuss public issues; however, some journalists practiced self-censorship, and human rights groups continued to report acts of intimidation against journalists. The government did not attempt to exercise direct control over views expressed in the print media. Newspaper editorials and commentators increasingly were critical of the Government; however, direct criticism of the military and judiciary was rare. Investigative journalism was rare; instead, the press acts freely to publish charges and countercharges by named and unnamed parties and individuals representing competing political and social interests. Both governmental and nongovernmental entities sometimes pay for favourable media coverage." [2b] (p12)

6.18 The USSD 2003 further noted that:

"A vocal private press criticized the President and the Government. However, violence against and intimidation of journalists was a nationwide problem....The competitive nature of politics helps to ensure press freedom since the media often serve as a forum within which political parties, commercial, religious, and various other interests vie. Although the press may not criticize Islam as such, debate about the practice of Islam, and criticism of religious leaders and movements, was permissible....The press traditionally avoided negative coverage of the armed forces, and the Office of Inter-Services Public Relations (ISPR) loosely controlled press coverage of military matters. Although many journalists chose to exercise self-censorship regarding the military during the year, the Government permitted significant criticism of retired military officials. President Musharraf was the subject of intense and public criticism during the year." [2b] (p13-14) The Committee to Protect Journalists issued an article of instances of attacks and restrictions on the press in 2004 (up to July 17). [22]

6.19 The USSD 2003 also noted that:

"The broadcast media were mainly government monopolies directed by the Pakistan Broadcasting Corporation and Pakistan Television (PTV), although private cable channels broadcasting from abroad had a growing audience. Geo TV, Indus, and ARY carried live news coverage about the country, and often broke stories hours before PTV. In contrast, domestic news coverage and public affairs programming on PTV and state-run radio were controlled closely by the Government and traditionally reflected its views. One private radio station, one television broadcaster, and a semi-private cable television station were licensed under special contractual arrangements with the Government. The semi private television station, Shalimar Television

Network (STN), occasionally rebroadcast PTV news. While the STN routinely censors those segments considered to be socially or sexually offensive, foreign news stories were rarely censored for content. The Ministry of Information exercised some influence over broadcasting through the selective allocation of government advertising budgets. It also monitored advertising on all broadcast media, editing or removing advertisements deemed morally objectionable....Satellite dishes readily were available on the local market and were priced within reach of almost everyone with a television set--well into the lower-middle classes. South Asian satellite channels (usually India-based) have become important sources of news and popular entertainment. The Government shut down Indian channels from cable systems during the year. The MMA government in NWFP pledged to ban satellite and cable television in the province because of its "immoral and un-Islamic content." However, no action had been taken by year's end." [2b] (p13)

6.20 According to the USSD 2003, "In 2002, three ordinances on the press were adopted. The ordinances increased the penalties for defamation, imposed a system of prior authorization for the news media, and created a press council under considerable influence by the Government; however no information was given as to when the ordinances would enter into force." [2b] (p12) In a Press Release issued in April 2002, Reporters Sans Frontieres stated that:

"Reporters Without Borders (Reporters Sans Frontieres [RSF]) expressed alarm today at a new law that would send journalists to prison for "ridicule, unjust criticism, dislike, contempt or hatred and called for it to be urgently amended...."This is a serious threat hanging over the heads of independent and opposition journalists," said Reporters Without Borders secretary-general Robert Menard in a letter to information minister Nisar A Memon. "Every country needs laws that punish incitement to hatred and violence, but this one is so general that it will protect all kinds of abuses"....He called on the minister to see that the imprisonment clauses were eliminated from the law and to ensure that all political parties got a fair share of air time on the state-owned media." [23a]

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Journalists

6.21 According to the US State Department Report 2003 (USSD), published on 25 February 2004, "Reports of intimidation, heavy-handed surveillance, and legal action against journalists continued throughout the year." [2b] (p13) The Committee to Protect Journalists issued an article of instances of attacks and restrictions on the press in 2004 (up to July 17) [22] Instances of recent attacks on journalists were also given in Reporters Sans Frontieres' Annual Report for 2004. [23b] (See also Section on Freedom of Speech and the Media, above)

6.22 The Committee to Protect Journalists reported on 3 March 2004 that, on 2 March 2004, about 20 rioters broke into offices of the private Geo television station in Quetta and set fire to records and papers. The attack was in retaliation following the shooting on a religious procession of Shiite Muslims in Quetta and a suicide bomber

detonating an explosive amongst the crowd. At least 47 people had been killed, which incited widespread rioting throughout Quetta. On 24 February GEO television had broadcast a talk show during which statements were made which offended some members of the Shiite minority. Subsequently on 29 February hundreds of protesters assembled outside the Karachi press club in demonstration of the GEO program. [22] (p2)

6.23 According to a BBC news report of 3 December 2003, there had been an increase in violence against journalists in Pakistan; the New York based Human Rights Watch said that press freedoms had eroded since Musharraf came to power. In an open letter to the President they highlighted the cases of two journalists who were allegedly threatened and tortured by the Pakistani security forces. [35a] The letter of 2 December 2003 stated that "Worryingly, Pakistan's crackdown on press freedom is now expanding to the mainstream Pakistani press." [13]

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Freedom of Religion

Background and Demography

6.24 According to the US State Department International Religious Freedom Report 2003, published on 18 December 2003, "Pakistan is an Islamic republic; Islam is the state religion." [2a] (p1) Figures given in this report and based on a 1998 census indicated that 96% of the population were Muslim (the majority of these being Sunni Muslim, with an estimated 10 – 15% being Shi'a); 1.69% Christian; 2.02% Hindu and 0.35% "other" (including Ahmadis). The report also stated that:

"Religious minority groups believe that they are under represented in government census counts....The most recent official census estimates place the number of Christians at 2.09 million and the Ahmadi population at 286,000. The communities themselves each claim membership of approximately 4 million. Estimates for the remaining communities are less contested and place the total number of Hindus at 2.8 million; Parsis (Zoroastrians), Buddhists and Sikhs at as high as 20,000 each; and Baha'is at 30,000." [2a] (p2)

6.25 The USSD report on International Religious Freedom advises that Christians live throughout the country, although it is estimated that 90% of Christians reside in Punjab (where they form the largest religious minority of the province). Approximately 60% of Punjab's Christians live in rural villages. In Sindh and Baluchistan [Balochistan] provinces Christians and Hindus each constitute about 1% of the population. Ahmadis are concentrated in Sindh and Punjab, with their spiritual centre being the large, predominately Ahmadi town of Rabwah in Punjab. [2a] (p2)

6.26 According to a BBC report dated 24 May 2004 entitled 'Analysis: Pakistan's religious rift,' "Pakistan has never been able to fulfil the dream of its founder, Mohammed Ali Jinnah, of a country in complete religious harmony. He stressed that Pakistan should be secular and tolerant of religious differences." The report advised

that the outbreak of sectarian violence dated back to the 1970's, when the country was under the military rule of General Zia-ul-Haq who wanted Pakistan to become a more conservative Islamic country. [35c] (p1) The report stated that:

"General Zia actively encouraged Islamic militancy, with the backing of the West, to fight a holy war in Afghanistan against communism. Pakistan became home to a number of predominantly Sunni groups that were funded, armed and trained by his regime. At the same time, the climate created by the Iranian revolution encouraged the backing by Iran of a small number of Shia groups in Pakistan. Before long, hard liners on both sides acquired arms which have always been easily available and plentiful. Two rival militant groups emerged - the Shia Tehreek-i-Jafria, and the Sunni Sipah-e-Sahaba." [35c]

6.27 According to an Amnesty International – AI - Report entitled Pakistan Insufficient protection of religious minorities 15 May 2001, "Whereas Zia-ul Haq (1977 to 1988) attempted to use Islam to achieve popular acceptance for his military regime, the present military government has explicitly rejected the use of Islam for political gains.(47 [in AI Report]) It has, however, not sufficiently and consistently curbed the violence some Islamist groups have resorted to and has retracted some reform proposals under pressure from them." [4f] (p28)

6.28 According to the USSD for International Religious Freedom 2003, there were no confirmed reports of torture of prisoners or detainees because of their religious beliefs during the period covered by the report. [2a] (p8)

6.29 As noted in the US State Department report for International Religious Freedom 2003:

"There are a number of NGOs and civic groups that promote interfaith dialogue. In January the Pakistani Catholic Bishops' Commission for Interreligious Dialogue and Ecumenism declared 2003 a National Year of Peace. Accordingly, during the year a number of interreligious meetings, religious festivals, literary courses, and other events centered on peace and dialogue took place. Several Muslim leaders applauded the bishops' initiative. In February the Sacred Heart Church in Lahore hosted a peace service, attended by people of various faiths." [2a] (p14)

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Policies and Constitutional Provisions

6.30 According to the US State Department report on International Religious Freedom 2003:

"The Constitution provides for freedom of religion, and states that adequate provisions are to be made for minorities to profess and practice their religions freely; however, in practice the Government imposes limits on freedom of religion. Pakistan is an Islamic republic; Islam is the state religion. Islam also is a core element of the country's national ideology; the country was created

to be a homeland for Muslims, although it was not envisaged by its founders as an Islamic state. Religious freedom is "subject to law, public order, and morality"; accordingly, actions or speech deemed derogatory to Islam or to its Prophet are not protected. In addition, the Constitution requires that laws be consistent with Islam and imposes some elements of Koranic law on both Muslims and religious minorities." [2a] (p1)

6.31 The same report also stated that:

"There were no significant changes in the Government's treatment of religious minorities during the period covered by this report. The Government fails in many respects to protect the rights of religious minorities. This is due both to public policy and to the Government's unwillingness to take action against societal forces hostile to those who practice a different faith. The accretion of discriminatory religious legislation has fostered an atmosphere of religious intolerance, which contributes to acts of violence directed against minority Muslim groups, as well as against Christians, Hindus, and members of Muslim offshoot groups, such as Ahmadis and Zikris. The Government does not encourage sectarian violence and during the period covered by this report [2003] specifically condemned it; however, there were instances in which the Government failed to intervene in cases of societal violence directed at minority religious groups. The lack of an adequate government response contributed to an atmosphere of impunity for acts of violence and intimidation against religious minorities. Parties and groups with religious affiliations have been known to target minority groups." [2a] (p1)

6.32 According to the USSD International Religious Freedom Report 2003, published on 18 December 2003:

"The Constitution safeguards "educational institutions with respect to religion." For example, under the Constitution, no student can be forced to receive religious instruction or to participate in religious worship other than his or her own. The denial of religious instruction for students of any religious community or denomination also is prohibited under the Constitution. "Islamiyyat" (Islamic studies) is compulsory for all Muslim students in state-run schools. Although students of other faiths legally are not required to study Islam, they are not provided with parallel studies in their own religions. In some schools, non-Muslim students may study "Ikhlaiyyat," or Ethics, rather than Islamiyyat. In practice teachers compel many non-Muslim students to complete Islamic studies." [2a] (p4)

6.33 According to the US State Department Report 2003 (USSD), published on 25 February 2004, "Members of religious minorities were subject to violence and harassment, and police at times refused to prevent such actions or to charge persons who commit them, which contributed to a climate of impunity for acts of violence and intimidation against religious minorities." [2b] (p15) According to the Amnesty International Report 'Insufficient protection of religious minorities' (May 2001):

"The apparent motives for bringing blasphemy charges are various: Charges against Ahmadis and Christians appear to have been brought solely because of their membership in these minority groups, i.e. because of their conscientiously held beliefs. Latent or overt hostility against religious minorities is often exacerbated by professional rivalry or quest for economic gain, particularly over land issues. A common feature of accusations of blasphemy in Pakistan is the manner in which they are uncritically accepted by members of the criminal justice system who themselves sometimes face threats and abuse if they do not accept them." [41] (p2)

6.34 However, the USSD International Religious Freedom Report 2003, published on 18 December 2003, also noted that "The Government took some positive steps to improve the situation of religious minorities during the period covered by this report [2003]. A 3 year Human Rights Mass Awareness and Education Project, begun by the Government in 2001 with funding from the Asian Development Bank, is ongoing. The Government also continued to promote human rights awareness in its training of police officers." [2a] (p11)

6.35 The USSD International Religious Freedom Report 2003, published on 18 December 2003 further noted that "In 1999, the Government removed colonial-era entries for sect from government job application forms to prevent discrimination in hiring. However, the faith of some, particularly of Christians, often can be ascertained from their names." [2a] (p14)

6.36 As stated by the USSD International Religious Freedom Report 2003, "While there is no law instituting the death penalty for apostates (those who convert from Islam), social pressure against such an action is so powerful that most such conversions reportedly take place in secret. According to missionaries, police and other local officials harass villagers and members of the poorer classes who convert. Reprisals and threats of reprisals against suspected converts are common." [2a] (p13)

6.37 According to the USSD International Religious Freedom Report 2003, "Missionaries are allowed to operate in the country....Proselytizing (except by Ahmadis) is permitted as long as there is no preaching against Islam and the missionaries acknowledge they are not Muslim." [2a] (p6)

6.38 The USSD International Religious Freedom Report 2003 further noted that:

"Specific government policies that discriminate against religious minorities include the use of the "Hudood" Ordinances, which apply different standards of evidence to Muslims and non-Muslims and to men and women for alleged violations of Islamic law; specific legal prohibitions against Ahmadis practicing their religion; and blasphemy laws that most often are used against reformist Muslims and Ahmadis. The number of cases filed under the blasphemy laws continued to be significant and more than 100 persons were detained for blasphemy offenses as of the end of the period covered by this report....Approximately 1,600-2,100 persons were imprisoned under the Hudood Ordinances as of the end of the period covered by this report....Relations between different religious groups frequently were tense, acts of sectarian and religious violence continued, and scores of deaths were

attributed to sectarian violence during the period covered by this report. The worst religious violence was directed against the country's Shi'a minority, who continued to be disproportionate victims of individual and mass killings." [1] (p1-2)

6.39 According to the USSD International Religious Freedom Report 2003:

"In the autumn of 2001, the Government took steps to curb religious extremism and militancy, imposing some limits on freedom of association, religion, and movement, and banning two of the country's groups known to incite sectarian violence and religious extremism, Lashkar-e-Jhangvi and Sipah-e-Mohammad Pakistan. In January 2002, the Government banned five other groups: Jaish-e-Mohammed, Lashkar-e-Taiba, Sipah-e-Sahaba Pakistan (SSP), Tehrik-e-Jafria and Tehriki-Nifaz-i-Shariat-i-Mohamadi (TNSM). Police raided offices, mosques, and madrassas linked with these groups; announced a ban on fundraising activities; and arrested almost 3,000 party members. Most of those arrested were later released without being charged. During the period covered by this report, most of the banned parties re-named themselves, in order to subvert the ban and continue operations. Lashkar-e-Jhangvi has become Inteqam-e-Haq ("Revenge for the Truth"), and Sipah-e-Muhammad Pakistan has been re-named Hizbollah. Sipah-e-Sihaba Pakistan is now Millat-e-Islamia, Lashkar-e-Taiba is now Jamaat Al Dawa, and Jaish-e-Muhammad is now Tehrik-ul-Furqaan. Jaish-e-Mohammad chief Maulana Masoud Azhar, who was initially put under house arrest in January 2002, was released approximately 3 months later; then, 6 weeks after the release, he was again put under house arrest; Masoud Azhar was finally released on December 14, 2002 by the Lahore High Court, and has kept a low profile since then. Professor Hafiz Saeed, leader of Jamaat Al Dawa, has been allowed to address rallies and make inflammatory speeches in which he has threatened Westerners resident in the country." [2a] (p10)

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Voting Rights

6.40 According to the USSD International Religious Freedom Report 2003, published on 18 December 2003:

"In January 2002, the Government eliminated the country's system of separate electorates, which had been a longstanding point of contention between religious minorities and human rights groups on one side and the Government on the other. With the elimination of the separate electorate system, political representation is to be based on geographic constituencies that represent all residents, regardless of religious affiliation. Minority group leaders believe this change may help to make public officials take notice of the concerns and rights of minority groups. Because of their concentrated populations, religious minorities could have significant influence as swing voting blocks in some constituencies. Few non-Muslims are active in the country's mainstream political parties due to limitations on their ability to run for elective office under the previous separate electorate system." [2a] (p6)

6.41 The same report continued:

"However, the return of joint electorates eliminated parliamentary and assembly seats reserved for minorities. Some minority leaders complained that these seats should have been retained after the joint electorate system was eliminated. While minorities welcomed the opportunity to be able to elect local representatives to the national and provincial assemblies, it was unlikely that any of the future elected officials would come from minority groups; having reserved seats for the minorities, they believed, would do more to increase their presence in law-making bodies. In August 2002, the Government announced that reserved seats for religious minorities would be restored in the October 2002 elections. Now, non-Muslims vote twice: once for the general candidate, and once for the seat set aside for their particular religion." [2a] (p6)

6.42 The 'Text of Legal Framework Order 2002' stated that 10 National Assembly seats would be reserved for non-Muslims^[43d] (p3) and that, in the Provincial Assemblies, there would be three seats reserved for non-Muslims in both Balochistan [Baluchistan] and NWFP, eight in Punjab and nine in Sindh. ^[43d] (p7)

6.43 According to the USSD International Religious Freedom Report 2003:

"In May 2002, under increasing pressure from fundamentalist leaders, the Government reinstated a column on the voter registration form that requires Muslims to take an oath accepting the finality of the Prophethood of Mohammed. When joint electorates were restored in January 2002, this oath was removed from voter registration forms, but religious leaders protested heavily because voter lists no longer identified Ahmadis. In June 2002, the Election Commission announced that it would accept objections to Ahmadis who registered to vote as Muslims from members of the public. Voters with objections filed against them are required either to sign an oath swearing to the finality of the prophethood of Mohammed or be registered as non-Muslims on the voter list. In protest, the Ahmadi community notified the President on September 5, 2002, that they would boycott the October 2002 elections. No Ahmadis are known to have broken the boycott, but there has been no change in the Government's policy as a result." [2a] (p6)

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Ahmadis

Introduction

6.44 According to the USSD International Religious Freedom Report 2003, published on 18 December 2003, the most recent official census [1998] placed the number of Ahmadis in Pakistan at 286,000, though the report also advised that religious minority groups believed that they were underrepresented in government census counts and the

Ahmadi community itself claimed a membership of approximately four million, being mainly concentrated in the Punjab and Sindh provinces. [2a] (p2)

6.45 According to a 1991 report prepared by the Canadian Immigration and Refugee Board, Mirza Ghulam Ahmad (1835-1908) founded the "Muslims of the Ahmadiyya sect", a religious sect that calls for the renewal of Islam, in Punjab in 1889. He announced that he was commanded by God to accept bay'at (homage or allegiance paid to a religious leader) and also claimed "under divine direction" that he was both the promised Mahdi (the rightly guided one) and the Promised Messiah in one person whose main function would be the renaissance of Islam. [12a] (p1-3)

6.46 According to the same report, the Qu'ran designates Muhammad as the "seal of the prophets" and thus he is regarded as the last prophet in Islam. However Ghulam Ahmad interpreted this reference in the Koran as meaning that Mohammed was the last law-giving prophet, and he proclaimed himself to be a prophet without a scripture or book of his own but with a mission to rejuvenate Islam. [12a] (p3-4) The Report stated that, after Ghulam Ahmad's death in 1908, Nur al-Din was elected to succeed him; after his death in 1914 Ghulam Ahmad's son, Mahmud Ahmad, was elected. The leadership has since remained within the founder's family. [12a] (p 5-7) A Report from the Ahmadiyya News Network stated that, following the death on 19 April 2003 of Hadhrat Mirza Tahir Ahmad, the Fourth Successor of the Promised Messiah, Hadhrat Mirza Masroor Ahmad was elected the Fifth Successor of the Promised Messiah on 22 April 2003. [10]

Ahmadi Headquarters, Rabwah

6.47 The 1991 report prepared by the Canadian Immigration and Refugee Board stated that, as Qadian became part of India after the 1947 Partition, Mahmud Ahmad - together with most of the Ahmadi residents of Qadian - moved first to Lahore in Pakistan, then to a purpose built city 95 miles to the west, called Rabwah. The report stated that "The plan of this city reflects Ahmadi religious beliefs. In addition to the two central mosques, each of the sixteen quarters has a mosque at its centre, in which, according to Islamic tradition, all religious, social and cultural activities are held." [12a] (p12)

Legislative Restrictions

6.48 According to the USSD International Religious Freedom Report 2003, published on 18 December 2003, "Under the Constitution, the Ahmadi community is defined as non-Muslim because Ahmadis do not believe that Mohammed was the last prophet of Islam; however, most Ahmadis consider themselves Muslims." [2a] (p3) The report advised that "Ahmadis suffer from societal harassment and discrimination" [2a] (p13), and the US State Department's Report on Human Rights 2003 (USSD 2003) published 25 February 2004 stated that "The Ahmadis are subject to specific restrictions under law." [2b] (p16)

6.49 The USSD International Religious Freedom Report 2003 noted that "The Government does not ban formally the public practice of the Ahmadi faith, but the practice is restricted severely by law" and advised that certain sections of the Penal Code have caused problems for Ahmadis, particularly the provision that forbids Ahmadis from "directly or indirectly" posing as Muslims. The report also noted that

“This vague wording has enabled mainstream religious leaders to bring charges against Ahmadis for using the standard Muslim greeting form and for naming their children Mohammed.” [2a] (p5)

6.50 A 1993 Profile on Pakistan issued by the Immigration and Naturalization Service Resource Information Centre reported that Article 260 of the Constitution of Pakistan states “A person who does not believe in the absolute and unqualified finality of the Prophethood of Muhammad....is not a Muslim for the purposes of the Constitution or law” with the effect that “As Ahmadis do not believe in the absolute and unqualified finality of the Prophethood of Muhammad, this effectively declared the Ahmadi community a non-Muslim minority.” [3] [p102]

6.51 According to the USSD International Religious Freedom Report 2003, published on 18 December 2003:

"The "blasphemy laws" are contained in Sections 295, 296, 297, and 298 of the Penal Code and address offenses relating to religion. Section 295(a), a colonial-era provision, originally stipulated a maximum 2-year sentence for insulting the religion of any class of citizens. In 1991 this sentence was increased to 10 years. In 1982 Section 295(b) was added, which stipulated a sentence of life imprisonment for "whoever willfully defiles, damages, or desecrates a copy of the holy Koran." In 1986 during the martial law period, another amendment, Section 295(c), established the death penalty or life imprisonment for directly or indirectly defiling "the sacred name of the Holy Prophet Mohammed." In 1991 a court ruled invalid the option of life imprisonment for this offense." [2a] (p5)

6.52 The USSD International Religious Freedom Report 2003 also noted that:

"The blasphemy laws were intended to protect both majority and minority faiths from discrimination and abuse; however, in practice these laws frequently are used by rivals and the authorities to threaten, punish, or intimidate religious minorities....Blasphemy laws often target members of the Ahmadi community. According to Ahmadi sources, 89 Ahmadis were charged formally in criminal cases on a "religious basis" (including blasphemy) in 2002, compared to 70 cases in 2001 and 166 cases in 2000." [2a] (p9)

(See Paragraph 6.43 on Ahmadi voting rights and 6.85 on Freedom of Assembly and Association)

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Passport Declaration

6.53 According to the USSD International Religious Freedom Report 2003, published on 18 December 2003, "The Government designates religion on citizens' passports. To obtain a passport, citizens must declare whether they are Muslim or non-Muslim; Muslims also must affirm that they accept the unqualified finality of the Prophethood of Mohammed, declare that Ahmadis are non-Muslims, and specifically denounce the founder of the Ahmadi movement." [2a] (p6)

6.54 According to a 1993 Profile on Pakistan issued by the Immigration and Naturalization Service Resource Information Centre, an Ahmadi who signs the passport declaration may be charged – under Section 6 of the Passports Act of 1974 - with making a false statement by claiming to be a Muslim; however, if an Ahmadi ticks the box for religious minorities, he may be ostracised by the Ahmadi community for declaring himself to be a non-Muslim. Despite this, the Profile noted that:

“According to BHRHA [USSD Bureau of Human Rights and Humanitarian Affairs], most Ahmadis check the Muslim box and sign the passport declaration; these Ahmadis do not want to draw attention to their Ahmadi faith and do not consider the passport declaration to be religiously binding. In addition, BHRHA has stated that Ahmadis who declare themselves to be Muslim to obtain a passport are neither ostracized by the Ahmadi community nor arrested by the Pakistani authorities for falsely declaring themselves to be Muslims.” [3] (p48-50)

Bai'at

6.55 According to information supplied by the Ahmadiyya Muslim Association UK in 1998, Bai'at is an oath of allegiance, a pledge made by a person who is not an Ahmadi by birth to fulfil certain conditions and abide by the doctrines of Islam. A person born of Ahmadi parents is considered to be an Ahmadi by birth and is not required to go through bai'at - unless there has been a change in the Supreme Head of the community in which case all Ahmadis perform bai'at, thus renewing their allegiance to the new Head. There is no objection for an Ahmadi by birth to perform bai'at, though he or she will not be issued with a Certificate of Bai'at. [18a]

Current Situation

6.56 According to the US State Department Report 2003 (USSD), published on 25 February 2004:

"Ahmadis suffer from various restrictions of religious freedom and widespread societal discrimination, including violation of their places of worship, being barred from burial in Muslim graveyards, limits on freedom of religion, speech, and assembly, and restrictions on their press. Several Ahmadi mosques remained closed. Ahmadis have been prohibited from holding conferences or gatherings. Ahmadis are prohibited from taking part in the Hajj (the annual Muslim pilgrimage to Mecca). Some popular newspapers publish anti-Ahmadi "conspiracy" stories, which contribute to anti-Ahmadi sentiments in society." [2b] (p16-17)

6.57 According to the USSD International Religious Freedom Report 2003, published on 18 December 2003:

"Ahmadi individuals and institutions long have been victims of religious violence, much of which is instigated by organized religious extremists. Ahmadi leaders charge that militant Sunni mullahs and their followers sometimes stage marches through the streets of Rabwah, a predominantly Ahmadi town and spiritual center in central Punjab. Backed by crowds of

between 100 and 200 persons, the mullahs reportedly denounce Ahmadis and their founder, a situation that sometimes leads to violence. The Ahmadis claim that police generally are present during these marches but do not intervene to prevent trouble. In August 2001, a mob destroyed an Ahmadi mosque in Sheikhpura; authorities did not stop the violence and later arrested 28 Ahmadis in connection with civil disorder. The Ahmadis were quickly released, but there have been no steps to prosecute the real offenders or compensate for the loss of the mosque.” [2a] (p12)

6.58 The same report further noted that:

"Ahmadis suffer from societal harassment and discrimination. Even the rumor that someone may be an Ahmadi or have Ahmadi relatives can stifle opportunities for employment or promotion. Most Ahmadis are home-schooled or go to private Ahmadi-run schools. Those Ahmadi students in public schools often are subject to abuse by their non-Ahmadi classmates. The quality of teachers assigned to predominately Ahmadi schools by the Government reportedly is poor. In late May 2002, in response to a question from Islamic clerics, President Musharraf denounced Ahmadis as "non-Muslims."” [2a] (p13)

6.59 The same report also recorded that:

"Several Ahmadis were killed during the period covered by this report. On February 25, Mian Iqbal Ahmed, a lawyer and District President, was killed at his home in Rajanpur by unknown gunmen. On September 1, 2002, Maqsood Ahmed was killed in Faisalabad. Dr. Rashid Ahmed, a medical doctor, was killed at his clinic in Rahim Yar Khan on November 9, 2002. Abdul Waheed was killed on November 14, 2002, in Faisalabad. All of these killings appeared to have been motivated by anti-Ahmadi sentiment." [2a] (p12)

6.60 The USSD 2003 reported that "In 2002, the Government announced the restoration of a voter registration form that singled out Ahmadis by requiring them to swear they believe in the "finality of Mohammed's prophethood." The Government and anti-Ahmadi religious groups have used this provision extensively to harass Ahmadis.” [2b] (p16-17)

Lahori Ahmadis

6.61 According to a Canadian Immigration and Refugee Board report in 1991, internal conflict began to surface during Nur al-Din's *khalifat*, but the final split occurred over the election of Mahmud Ahmad as Khalifatul Masih II, following Nur al-Din's death in 1913. The report records that leading members of the movement, Muhammad Ali and Kamal ud-Din, left with their followers for Lahore where they established *the Ahmadiyya Anjuman Ishaate Islam* (Ahmadiyya Association for the Propagation of Islam), with Muhammad Ali as its head and they became known as the Lahori Branch (while the Ahmadis who follow Ghulam Ahmad's teachings are referred to as the Qadiani Branch), though they refer to themselves as Ahmadis. [12a] (p7-9)

6.62 According to same report, this major doctrinal split between the Lahoris and the Quadianis revolved around Ghulam Ahmad's claim to prophet-hood. The report noted that:

“While initially at least the Lahoris' did not dispute his prophet-hood, this belief was increasingly abandoned until the religious status of Ghulam Ahmad was likened to that of a partial prophet and *mujaddid*, who had been sent in the fourteenth century of the Islamic calendar to renew an Islam become decadent....By denying full prophethood to Ghulam Ahmad, Lahoris reject another Ahmadi injunction which stipulates that an Ahmadi is permitted to pray only under the leadership of Ahmadi Imams.[12a]] (p8)

6.63 The Canadian Report further stated that, unlike Quadianis, Lahoris do not prevent their women from marrying non-Ahmadi Muslims; “However, they follow Ghulam Ahmad’s teaching about Jesus and his death in Kashmir. They further agree with the Quadianis that *jihad* should not be understood as a war-like, but as a spiritual struggle to establish the truth of Islam.” They insist that no Muslim can be called kafir (infidel), thus rejecting Ghulam Ahmad's declaration that all non-Ahmadis are kafirs. [12a] (p 8-9)

Khatme Nabuwwat

6.64 According to a Canadian Refugee and Immigration Board 1994 report, during British rule the Majlis Tahaffuz Khatme Nabuwwat (Committee to Secure the Finality of Prophethood) was founded under the name Majlis-e-Ahrar, and it was originally a small Muslim political party opposed to the creation of an independent Islamic state. In the 1970s the group reportedly changed its name to attract orthodox Muslims, and was now commonly known as the Khatme Nabuwwat. [12b] (p8-9)

6.65 The same report stated that mullahs within the organisation have in the past called for the banning of Koranic expressions in Ahmadi places of worship and had reportedly collaborated with Pakistani authorities in the destruction of Ahmadi mosques. According to the report, the organisation had also gone as far as calling for the banning of the Ahmadi movement and the death of Ahmadis, and the Ahmadiyya Movement in Islam had stated that the movement had Saudi Arabian support and had expanded its activities beyond Pakistan - notably to the UK. [12b] (p9-10)

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Christians

Introduction

6.66 According to the USSD International Religious Freedom Report 2003, published on 18 December 2003, figures from the most recent census (1998) showed that an estimated 1.69 percent of the population of Pakistan were Christian; however, although the official census estimated the number of Christians as being 2.09 million, the community itself claimed membership of approximately 4 million. The Report noted that “While Sunni Muslims are the vast majority in Punjab, more than 90 per cent of the

country's Christians also reside there, making them the largest religious minority in the province. Approximately 60 percent of Punjab's Christians live in rural villages." [2a] (p2)

Current Situation

6.67 According to the US State Department Report 2003 (USSD), published on 25 February 2004:

"Discrimination in employment reportedly was common. Christians in particular have difficulty finding jobs other than those of menial labour, although Christian activists say the employment situation has improved somewhat in the private sector. Christians were overrepresented in the country's most oppressed social group—that of bonded labourers. Many Christians complained about the difficulty that their children face in gaining admission to government schools and colleges, a problem they attribute to discrimination. Many Christians continued to express fear of forced marriages between Muslim men and Christian women, although the practice was relatively rare. Reprisals against suspected converts to Christianity occur, and a general atmosphere of religious intolerance has led to acts of violence against religious minorities." [2b] (p17-p18)

6.68 The USSD International Religious Freedom Report 2003 noted that:

"While many Christians belong to the poorest socioeconomic groups, this may be due more to ethnic and social factors than to religion. These factors also may account for a substantial measure of the discrimination that poor Christians face. Many poor Christians remain in the professions of their low caste Hindu ancestors (most of whom were 'untouchables'). Their position in society, though somewhat better today than in the past, does not reflect major progress despite more than 100 years of consistent missionary aid and development." [2a] (p13)

6.69 According to the Amnesty International Report 'Insufficient protection of religious minorities' (May 2001):

"The apparent motives for bringing blasphemy charges are various: Charges against Ahmadis and Christians appear to have been brought solely because of their membership in these minority groups, i.e. because of their conscientiously held beliefs. Latent or overt hostility against religious minorities is often exacerbated by professional rivalry or quest for economic gain, particularly over land issues. A common feature of accusations of blasphemy in Pakistan is the manner in which they are uncritically accepted by members of the criminal justice system who themselves sometimes face threats and abuse if they do not accept them." [4f] (p2)

(See also paragraphs 5.38-43 and 6.38 on blasphemy laws)

6.70 According to USSD 2003 "Governmental and societal discrimination against religious minorities, particularly Christians and Ahmadis, remained a problem." [2b] (p2) The same Report later stated that "Sectarian violence between members of different religious groups received national attention during the year and continued to be a

serious problem. Christians, Ahmadis and other religious minorities often were the targets of such violence.” [2b] (p17)

6.71 According to the USSD International Religious Freedom Report 2003, published on 18 December 2003:

“Anti-Christian sentiment fuelled hate campaigns from various Islamic militant groups. For example, on January 9 [2003], the Islamic organization Jeshlhlle-Alqiblat Al-Jihadi Alsari Al-Alami published a pamphlet in Urdu and Arabic calling on Muslims to kill nonbelievers, terming the act as the duty of every Muslim. Authorities reportedly initiated an investigation. On March 23, the MMA issued similar threats in Lahore. In January the Pakistani Catholic Bishops' Justice and Peace Commission urged the Government to end "hate speech" against minority religions, claiming that hate campaigns had led to a dramatic increase in crimes and discrimination against non-Muslims....During late 2002 and early 2003, there reportedly was a rise in crimes against Christian women. Women and girls were beaten, kidnapped, gang-raped, disfigured, and forced to convert to Islam at gun- or knife-point. In April a 9-year old Christian girl who worked as a live-in maid in Faisalabad, was beaten and raped by her Muslim employers.” [2a] (p12-13)

6.72 The same Report also noted that “Two Christian brothers, Salim and Rashid Maseeh, who had been convicted of blasphemy and sentenced to 35 years' imprisonment in May 2000 by a lower court in Punjab, were acquitted by the Lahore High Court on March 19 and released from jail.” [2a] (p10)

6.73 Keesings Record of World Events reported in January 2004 that “A car bomb exploded on Jan. 15 near Holy Trinity church in Karachi, injuring at least 16 people and damaging 18 vehicles. A telephone call had warned police that a nearby bible society was to be targeted, but no group claimed responsibility. It was the first attack on Pakistan's Christian minority since December 2002 [see p. 45143 [in Keesings]]. An Anti-Terrorist Court on Jan. 22 sentenced three men to death and three others to prison terms for an attack on a Christian church in Taxila in August 2002 in which four people were killed.” [24d] (p45786)

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Shi'a and Sunni Muslims - Historical theological differences

6.74 According to the World Directory of Minorities (1997):

Formal Islamic theology regards the Qur'an, supplemented by the traditions (*Sunna*) of the Prophet, as the sole and sufficient repository of the faith. It rejects any priesthood as necessary to mediate the faith to believers or for an infallible interpretation of the scriptures. That infallibility, difficult to pinpoint in practice, belongs to the community as a whole, although the business on interpreting the Qur'an and *Sunna* has been carried out over the centuries through a consensus of jurists and theologians. The Sunnis (followers of the *Sunna*) consider community consensus based on the Qur'an and traditions of

the Prophet to be infallible and binding. Sunnis believe that following the Prophet's death in 632 CE, the responsibility of 'caretaker', or caliph, for the community passed to members of the Quraysh tribe, and thereafter to Quraysh descendants and the Umayyad (660-750) and Abbasid (750-1258) dynasties." [37] (p331)

6.75 The World Directory further stated that:

"However, a fundamental schism in Islam occurred soon after the Prophet's death, because a party, or *Shia*, within the community claimed that the Prophet's cousin and son-in-law, Ali, should have been appointed caliph in 632 CE. Ali was only acknowledged caliph in 656, the fourth since the death of the Prophet, and was killed in 661 during the struggle for supremacy within the Muslim community. Although they lost the struggle, the Shi'i [Shi'a] supporters of Ali clung to their cause with fervent devotion. In 680 Ali's younger son, Husayn, tried to contest Ummayyad rule. He and his small party were surrounded and massacred close to Karbala in southern Iraq in 680. Husayn's death became a powerful symbol of martyrdom and suffering for the Shi'i community. The Shi'a articulated belief in a succession of imams, viewed as infallible in the interpretation of law and doctrine, whose essential qualification was descent from Ali and for whom Shi'ites have an almost mystical devotion." [37] (p331)

6.76 The World Directory also recorded that "Although the Sunni and Shi'i traditions formally accept each other as Muslim, at a popular level there is a deep animosity which periodically finds expression, particularly in the Shi'i community when it annually commemorates the martyrdom of Imam Husayn on 'Ashura', the tenth day of Muharram." [37] (p332) The US State Department Report 2003 (USSD), published on 25 February 2004 also noted that "Several incidents of sectarian violence between rival Sunni and Shi'a groups typically occur during Muharram, the time when Shi'a Muslims mourn the death of the Prophet Mohammed's nephew Ali and Ali's son Hussain." [2b] (p17)

Pakistan's Shi'as (aka Shi'i or Shi'ites)

6.77 According to the CIA World Factbook 2004, 97% of Pakistan's population were Muslims (comprised of 77% Sunni and 20% Shi'a Muslims). [34] (p4)

6.78 According to the US State Department Report 2003 (USSD 2003), published on 25 February 2004:

"The worst religious violence was directed against the country's Shi'a minority, who continued disproportionately to be victims of individual and mass killings. Despite the Government's ban on groups involved in sectarian killings, violence between rival Sunni and Shi'a Muslim groups continued during the year. Many of the victims were Shi'a professionals- doctors and lawyers - who were not politically active or involved with sectarian groups. During the year, at least 100 cases of sectarian violence occurred in the country, most carried out by unidentified gunmen. [2b] (p17)

6.79 The USSD International Religious Freedom Report 2003, published on 18 December 2003 recorded that:

“Many religious and community leaders, both Muslim and non-Muslim, reported that a small minority of extremists account for the vast majority of violent acts against religious minorities. However, discriminatory religious legislation has encouraged an atmosphere of religious intolerance, which has led to acts of violence directed against Ahmadis, Shi'as, Christians, Hindus, and Zikris. Members of religious minorities are subject to violence and harassment, and police at times refuse to prevent such abuses or charge persons who commit them (see Section II [USSD Report]). Wealthy religious minorities and those who belong to religious groups that do not seek converts report fewer instances of discrimination.” [2a] (p11)

6.80 According to the US State Department Report 2003 (USSD), published on 25 February 2004, “Several incidents of sectarian violence between rival Sunni and Shi'a groups typically occur during Muharram, the time when Shi'a Muslims mourn the death of the Prophet Mohammad's nephew Ali and Ali's son Hussain.” [2b] (p17)
The USSD International Religious Freedom Report 2003 recorded that:

“Following a wave of sectarian killings between Sunni and Shi'a Muslims (see Section III [in USSD 2003]), the Government arrested between 150 and 250 alleged Sunni and Shi'a militants in Karachi in early 2002. Government officials stated that the arrests and a public call for religious leaders to enforce a code of conduct resulted in a reduction of such killings during the traditionally violent period of Muharram. Shortly after the killing of Shi'as at a mosque in Karachi in February [2003], the Government ordered all places of worship protected. At the time of some religious holidays during this reporting period, the regular army was deployed in sensitive areas to help maintain public order.” [2a] (p11)

6.81 The same Report also noted that:

“Incidents of sectarian violence still occurred with considerable frequency. In February [2003] three Sunni Muslim scholars, including the head of an Islamic school, were shot in the head and killed in three separate drive-by shootings. On February 22, 9 Shi'a Muslims were killed and 10 were injured by attackers while they were worshipping at a Shi'a mosque in Karachi. About 25 worshippers were believed to be inside the building when at least 3 men, riding on 2 motorcycles, opened fire with automatic weapons and then fled. Some 5,000 people gathered for the funeral procession, which turned violent. Enraged mourners smashed cars and shop windows. Authorities suspended a deputy police superintendent and another police official for failing to protect the mosque. The holy month of Moharram, traditionally a period of sectarian clashes, passed with no major incidents....On June 8, 12 Shi'a police trainees were killed and several others were wounded when gunmen on motorcycles opened fire on their vehicle in the southwestern city of Quetta. Eighteen members of the banned Sipah-e-Sahaba were arrested the next day, and four of them were charged with "masterminding" the attack. Their cases were

pending as of the end of the period covered by this report.” [2a] (p11)

6.82 On 3 October 2003, BBC news reported that gunmen had opened fire on a bus carrying about 20 Shia Muslim worshippers to Friday afternoon prayers, killing seven and wounding seven. The report said “The bus had been carrying both Sunnis and Shias but the raid occurred after the Sunnis had been dropped off at their mosque....The worshippers were employees of a defense department research body called the Space and Upper Atmospheric Research Organisation.” A Shia political party blamed the attacks on outlawed Sunni groups Lashkar-e-Jhangvi and Sipah-e-Sahaba Pakistan. The same report also referred to an earlier attack in July 2003, when about fifty Shia worshippers were killed in a mosque in the north-western city of Quetta; the report stated “Lashkar-e-Jhangvi said three of its suicide attackers were responsible.” [35ac]

6.83 As reported by BBC news on 7 October 2003, rioting broke out in Islamabad by religious students on 7 October 2003 following funeral prayers for Maulana Azam Tariq, a Sunni militant leader who was murdered on 6 October 2003. The report stated “Tariq, 41, was among five people killed when the vehicle they were travelling in was attacked by gunmen on the outskirts of the capital....He was the head of the Sunni militant group Sipah-e-Sahaba and a member of Parliament. No group has said it carried out the attack....The government has ordered an enquiry into the shooting.” [35ag] (p1-2)

6.84 The Integrated Regional Information Networks, IRINNEWS.ORG, reported on 3 March 2004 that Pakistan authorities had arrested a man in connection with the Quetta attack on a religious procession. The report stated that:

“At least 44 people were killed and over 150 injured when suspected Sunni Muslim radicals attacked a religious Shiite procession mourning the martyrdom of Prophet Muhammad’s grandson, held to be one of the most important people in Shi’ite history....It was the worst sectarian attack in Pakistan since 57 people were killed in a suicide attack on a Shi’ite mosque in Quetta last July....In retaliation, angry Shi’ite mobs rampaged through the city of 1.2 million setting fire to shops and attacking a cinema and a bank. The local administration immediately announced a curfew and witnesses reported seeing snipers positioned on roof-tops as army trucks with machine-guns were reported to be patrolling the roads....The Pakistani government had ordered a judicial inquiry into the attacks Ahmed [the information minister] said....In another incident, more sectarian clashes were reported from the rural area of Mandi Bahauddin in the eastern province of Punjab where Shi’ite and Sunni mobs confronted each other after a local Shi’ite leader was reportedly shot dead by a Sunni mob.” [41h]

(Also see 4.54, above, re bombings at Shi’a mosques in May 2004)

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Freedom of Assembly and Association

6.85 According to the US State Department Report 2003 (USSD), published on 25 February 2004:

“The Constitution provides for freedom “to assemble peacefully and without arms subject to any reasonable restrictions imposed by law in the interest of public order;” however, the [Government] imposed significant restrictions on this right in practice. Rallies and processions on streets, roads, and railway stations remained generally prohibited, and provincial and district administrations were given authority to determine the time and place of meeting. Ahmadis have been prohibited from holding any conferences or gatherings since 1984 (see Section 2.c. [of USSD 2003]). Throughout the year, the Government occasionally interfered with opposition rallies, which were held by an alliance of political parties. In 2000, the Musharraf Government enacted an ordinance banning all public political gatherings, processions, and strikes held outdoors. The ban was enforced unevenly.” [2b] (p14-15)

6.86 The USSD 2003 also noted that:

“District mayors occasionally exercised their power under the Criminal Procedures Code to ban meetings of more than four persons where demonstrations seemed likely to result in violence. During the year [2003], police made preventative arrests of political party organisers prior to announced demonstrations. For example, in July, the district government denied a permit to hold a public meeting [sic] in Lahore. After the opposition parties threatened to disrupt a pro-government party’s meeting, the Government allowed the rally to occur. The Government generally allowed all Islamist parties to hold rallies and campaign; and, during the year, the government granted rally permits to secular parties.” [2b] (p15)

6.87 The USSD 2003 further noted that “Unlike in previous years, there were no reports that the MQM was harassed in its regular political activities” and that “The authorities sometimes prevented leaders of religious political parties from traveling to certain areas if they believed their presence would increase sectarian tensions or cause public violence.” [2b] (p15)

Political Activists

6.88 The USSD 2003 reported that:

“The Government permitted all existing political parties to function; however, they did so with restrictions on their ability to hold public rallies (see Section 2.b.[of USSD 2003]). Before the 2002 elections, the Government Government [sic] forced the PPP and PML-N to elect leaders other than Benazir Bhutto and Nawaz Sharif by refusing to register any parties whose leaders had a court conviction. The Government also amended the Political Parties Act to bar any person from becoming Prime Minister for a third time. This amendment effectively barred Benazir Bhutto and Nawaz Sharif from power. The Government arrested several persons in opposition political parties during the year. For example, in March Rena Sanuallah Khan, an

opposition member of the Punjab provincial assembly, who had been critical of the 1999 coup and the proposed LFO amendments to the constitution, was detained by unknown members of the security forces. According to press reports and HRW, Khan was interrogated and beaten throughout the night before being released the next day. During his interrogation, Khan alleged that he was cut and he had unidentified chemicals poured into his wounds. He also had his eyebrows, mustache, and head shaved by the security members. On October 29, authorities arrested opposition leader Javed Hashmi and charged him with sedition. The Government has accused Hashmi of defaming the army after publicizing a letter allegedly written by disaffected army officers which criticized Musharraf and senior military leaders. The Government initially denied Hashmi access to a lawyer and family members; however, it later permitted such meetings, which were monitored by the security forces. On December 5, Hashmi was denied bail and ordered to move to a different prison. Hashmi remained awaiting trial at year's end." [2b] (p20-21)

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Employment Rights

6.89 According to the US State Department Report 2003 (USSD), published on 25 February 2004;

"The Industrial Relations Ordinance (IRO) permits industrial workers to form trade unions subject to major restrictions in some employment areas. However, the International Confederation of Free Trade Unions (ICFTU) reported the IRO only covers companies that employ 50 or more persons, and that companies sometimes subdivided their workforces into artificial subsidiaries (while keeping them all on the same premises) to evade the IRO. The Essential Services Maintenance Act (ESMA) covers the state administration, government services, and state enterprises such as oil and gas production, electricity generation and transmission, the state-owned airline, the national railroad, and ports. Workers in these sectors are allowed to form unions. However, the ESMA sharply restricts normal union activities, usually prohibiting, for example, the right to strike in affected organizations. For each industry subject to the ESMA, the Government must make a finding, renewable every 6 months, on the limits of union activity." [2b] (p27)

6.90 The USSD 2003 noted that "According to government estimates, union members make up approximately 10 percent of the industrial labor force and 3 percent of the total estimated work force. Unions claimed that the number of union members was underestimated." [2b] (p28)

6.91 The USSD 2003 also reported that:

"Legally required conciliation proceedings and cooling-off periods constrain the right to strike, as does the Government's authority to ban any strike that may cause "serious hardship to the community" or prejudice the national

interest. The Government also may ban a strike that has continued for 30 days. The rare strikes that did occur were generally short and illegal. Police do not hesitate to crack down on worker demonstrations. The law prohibits employers from seeking retribution against leaders of a legal strike and stipulates criminal penalties for offenders. Under the Industrial Relations Ordinance of 2002, courts only may impose fines for violations of this provision; imprisonment no longer is permitted. The level of fines has been increased. The law does not protect leaders of illegal strikes. There were no strikes during the year, and some labor leaders attribute this to the ban on strikes by large unions, such as Pakistan Railways and Pakistan International Airways (PIA).” [2b] (p28)

6.92 According to the USSD 2003:

“Federal statutes applicable throughout the country govern labor regulations. The minimum wage for unskilled workers is \$42 (PKR 2,500) per month, with only slightly higher minimum rates for skilled workers. It applies only to industrial and commercial establishments employing 50 or more workers and not to agricultural or other workers in the informal sectors. The national minimum wage does not provide a decent standard of living for a worker and family....Federal law provides for a maximum workweek of 48 hours (54 hours for seasonal factories) with rest periods during the workday and paid annual holidays. These regulations did not apply to agricultural workers, workers in factories with fewer than 10 employees, and contractors. Large numbers of workers do not enjoy these benefits. Many workers were unaware of their rights....Additional benefits required by the Federal Labor Code include official government holidays, overtime pay, annual and sick leave, health and safety standards in the workplace, health care, education for workers' children, social security, old age benefits, and a worker's welfare fund. Employees earning more than \$47 (PKR 3,120) per month do not receive all of these benefits.” [2b] (p30)

6.93 The USSD 2003 also noted that:

“The Government has undertaken joint projects with various international organizations to address the child labour problem. While results generally are positive, the numbers of children involved are only in the low thousands in total....The law prohibits forced and bonded child labor; however, forced child labor was a problem. There were reports that children in juvenile detention facilities were required to work. Children at the Karachi Central Jail, who were imprisoned for crimes they committed, were detained with their parents, or were born in jail, reportedly were involved in woodcrafts and television repairs. Verifying these reports was difficult because of limited outside access to the jail....Children sometimes were kidnapped to be used for forced labor (see Section 5 [of USSD 2003]). Seventy percent of working children have the status of "unpaid family helpers." Observers also believed that the incidence of bonded labor among such children was significant, but there were no reliable figures available on this.” [2b] (p30)

6.94 As noted in the USSD 2003, “The Constitution and the law prohibit slavery. However, in remote areas of rural Sindh, bonded agricultural labor and debt slavery have a long history....The Government has adopted laws and promulgated policies to protect children from exploitation in the workplace; however, enforcement of child labor laws was lax and child labour was a serious problem.” [2b] (p29)

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People Trafficking

6.95 According to the US State Department Report 2003 (USSD), published on 25 February 2004:

“The law prohibits trafficking in persons; however, trafficking in persons, especially in women, is a serious problem. The law prohibits the trafficking of women under age 21 into the country for sexual purposes or kidnapping. The Constitution prohibits slavery and forced labor. The Government has done little to stem the flow of women trafficked into the country or to help victims of trafficking. The Government does not provide direct assistance to victims but does provide legal assistance and funding for NGOs that assist victims. [2b] (p30-31)

6.96 The USSD 2003 also noted that:

“The country is a source, transit, and destination point for trafficking in women and children for sexual exploitation, but more significantly, for use as bonded labor. Thousands of women are trafficked into the country every year, mainly from Bangladesh. Smaller numbers of Burmese, Sri Lankan, Indian, Afghan, and Central Asian women also are trafficked into the country, and some citizen women are trafficked abroad, mainly to Afghanistan or Saudi Arabia to work as prostitutes or domestic workers. East Asian and Bangladeshi women are trafficked through the country en route to other destinations. Internal trafficking of Pakistani women and Afghani refugees from rural areas to urban centers is a problem. Trafficking in women has occurred for decades; there likely are several hundred thousand trafficked women in the country. Press reports indicate that the buying and selling of brides persists in parts of the NWFP and Punjab.” [2b] (p30-31)

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Freedom of Movement

Travel

6.97 According to the US State Department Report 2003 (USSD), published on 25 February 2004, in respect of freedom of movement within the country, foreign travel, emigration and repatriation:

“The law provides for these rights; however, the Government limited them in

practice. The Government at times prevented political party leaders and religious leaders from traveling to certain parts of the country (see Section 2.b. [of USSD 2003]). Travel to Israel is prohibited by law. Government employees and students must obtain "no objection" certificates before traveling abroad, although this requirement rarely was enforced against students." [2b] (p18)

6.98 According to the Government of Pakistan website accessed 24 April 2002, passports for those over 18 years of age could be obtained via district passport offices without the signature of another adult. Proof of identity was provided by two copies of the National Identity card, which must be provided by both men and women applying for a passport. [43a]
(See Passport Declaration section 6.53- 6.54 for Ahmadis)

6.99 According to the USSD 2003:

"Citizens regularly exercised the right to emigrate. However, an Exit Control List (ECL), which was made public but was revised constantly, was used to prevent the departure of wanted criminals and individuals under investigation for defaulting on loans, corruption, or other offenses....According to the Government there were approximately 352 names on the ECL. No judicial action was required to add a name to the ECL; those named have the right to appeal to the Secretary of Interior and, if refused, to the Advocate General of the senior judiciary. In practice, courts have directed the Government to lift restrictions on some politicians on the ECL." [2b] (p18)

Internal Relocation (Refuge within Pakistan)

6.100 According to a UNHCR Country of Origin report 1999, "Groups with a limited internal flight alternative are women and mixed (inter-religious and inter-caste) couples. Many of them, unless they are unable to do so because their livelihood depends on the rural community they come from, try to flee from rural areas to the cities, but even there they are not safe from their families or religious extremists....For Ahmadis and Christians (including converts) as well as for mixed couples and women in general an internal flight alternative may be ruled out with very high likelihood....Political activists, however, unless they are too prominent, usually do have the option of moving to another part of the country," [20b] (p28)

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6 B Human Rights - Specific Groups

Ethnic Groups

Mohajirs

6.101 According to a 1993 Profile on Pakistan issued by the Immigration and Naturalization Service Resource Information Centre, Mohajirs were the Urdu-speaking Muslims who had migrated to Pakistan from north-central India in the years immediately

following the creation of Pakistan in 1947. The term also applied to their descendants. The Profile stated that the Mohajirs were instrumental in the movement to create Pakistan, and continued to have a significant impact on the early political development of the new country; it also advised that, while Mohajirs dominated the government and political institutions, the armed forces remained under the control of native Punjabis. [3] (p72-73)

6.102 The 1993 Pakistan Profile also stated that Mohajirs were successful in Sindh's trade, commerce and banking industries and became the country's leading capitalists and industrialists in the early 1970s and that this, together with government measures which had been designed to ease their settlement into Pakistan, alienated the region's other ethnic groups. [3] (p74)

6.103 According to the 1993 Pakistan Profile, as a result of the settlement of some 7 million Mohajirs, the province of Sindh experienced profound social and economic changes which created rivalry and clashes between the Mohajirs and the native Sindhis over political influence, employment opportunities and other questions involving socio-economic status. [3] (p74-75)

Formation of MQM

6.104 As reported by Amnesty International in 1996, "The earliest political organization of Mohajirs, the All Pakistan Mohajir Student Organisation (APMSO) founded in 1978 by Altaf Hussain, evolved into the MQM [Mohajir Qaumi Movement] in 1984....Ethnic strife between Mohajir and Sindhis who had initially jointly opposed the influx of Punjabis and Pathans into Sindh, rapidly increased in Karachi and Hyderabad from the mid-1980s." [4a] (p3)

6.105 The 1993 Profile stated that "The Mohajir Qaumi Movement (MQM) is a nationalist movement which seeks official recognition of Mohajirs as the fifth ethnic/national group (the other four are the Punjabis, Sindhis, Baluchis and Pathans), of Pakistan." [3] (p77)

6.106 According to a 1996 Report by Amnesty International (AI) "In the early 1990s, a small faction of the MQM, the MQM Haqiqi (literally: the "real" MQM, short [sic] MQM(H), led by Afaq Ahmed, left the main body of the MQM, the MQM (A for Altaf). According to many commentators in Pakistan, this faction was supported by successive federal governments and the military to weaken the main MQM." [4a] (p4)

6.107 According to the Europa World Year Book 2004, the party changed its name to the Muttahida Qaumi Movement in 1997. [1] (p3283)

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Violence in Sindh

6.108 As noted by the Canadian IRB in a question and answer series 1996:

"The late 1980s and early 1990s were marked by rapidly escalating crime and ethnic and political violence in Sindh, to which successive national governments

responded with mass arrests, sweeping clean-up operations and emergency legislative measures....In June 1992 the army launched "Operation Clean-up", deploying about 30,000 army and paramilitary personnel to Sindh to help the Muzaffer Hussain Shah-led coalition provincial government restore law and order....The MQM alleged that it was being specifically targeted by the army operation....On 19 June 1992, combined police and army forces raided MQM offices in Karachi with the assistance of the dissident MQM Haqiqi group (MQM(H) "real" MQM), which was then installed and sanctioned as the only faction acceptable to the government....Efforts to discredit the Altaf faction as a "criminal organisation" were aided by the army's allegations of having uncovered 23 MQM torture cells where "hundreds" of political opponents and party dissidents had been tortured and killed." [12d] (p1-2)

6.109 The Canadian IRB Report 1996 also noted:

"Over the following months hundreds of MQM(A) activists in Karachi and Hyderabad were arrested and the party leadership went into exile....[here the Report notes that Altaf Hussain went into self-imposed exile in London]....As the police and army carried out raids, mass round-ups and siege-and-search operations in pursuit of MQM(A) leaders and militants over the next 30 months, thousands of ordinary MQM supporters and Mohajirs were subjected to arbitrary arrest and detention, extrajudicial execution, beatings, torture, extortion and other ill treatment." [12d] (p2)

6.110 The Canadian IRB Report 1996 reported that, following the army's withdrawal from Sindh on 30 November 1994, "People [in Karachi] were killed daily in clashes between armed ethnic, sectarian and criminal groups, and vendetta killings between the two MQM factions were commonplace [12d] (p3)....Human rights organizations indicate that the government "demonstrated a lack of resolve" in addressing the Karachi situation and enforcing the rule of law in 1995." [12d] (p27)

6.111 According to the Europa World Year Book 2004:

"In early 1995, despite the arrest of large numbers of suspected Islamist terrorists, there was an upsurge in religious violence between Sunni and Shi'a Muslims in Karachi....There was no respite from the violence in the following months, and by June the security forces had lost control of large areas of Karachi to MQM activists. Negotiations between representatives of the MQM (A) and government officials in mid-1995 proved fruitless and, although there was a temporary abatement in urban violence in the latter half of the year, the city's problems were far from resolved." [1] (p3259)

6.112 The Canadian IRB Report 1996 reported that, in June 1995, 10,000 to 12,000 paramilitary Rangers and 1,500 Frontier Constabulary personnel were posted to Karachi to reinforce the city's police force, which had been hard hit by the militants' attacks on police stations and targeted killings of police personnel; on this occasion arrests were targeted instead of the earlier mass arrests, though there were later reports that mass round-ups and military style siege-and-search operations were still being used and that the Rangers and the police were involved in human rights abuses. [12d] (p5-6)

6.113 The Canadian IRB Report 1996 also reported that, within weeks, it was claimed that the inner circle of the MQM had been broken, their telephones tapped, informers recruited, key activists arrested or killed and lines of communication shut down. The Report states that “In an effort to win over public opinion, the government unleashed an anti-MQM propaganda campaign similar to the one used in 1992, alleging discoveries of MQM torture chambers, execution sites and arms caches....The government and the MQM entered into negotiations in Islamabad on 11 July 1995.” The Report stated that the talks collapsed in late September without agreement on any issue but, despite this, during early 1996 it was reported that the law and order situation was better than at any time during the previous two years. [12d] (p6-7)

6.114 Europa 2004 reported that, “At the end of that month [July 1996] the Government’s position appeared even less secure when about 16 opposition parties, including the PML (N), the MQM and the JIP, established an informal alliance with a one-point agenda to oust Prime Minister Bhutto and her Government” and, following the general election of 3 February 1997, “The MQM emerged as the country’s third political force (obtaining 12 seats) while Imran Khan’s Tehrik-e-Insaf failed to win a single seat.” [1] (p3259)

6.115 Also according to Europa 2004:

“The Government suffered a severe reverse in late October 1998 when the Muttahida Qaumi Movement – MQM (A) – (formerly known as the Mohajir Qaumi Movement) withdrew its support for the PML (N)-led administration in Sindh. On 30 October the provincial legislature was suspended and the troubled province was placed under governor’s rule in an effort to curb the violence. In November the Prime Minister announced the establishment of anti-terrorist military courts in Karachi (which were designed to dispense rapid and punitive justice), and the suspension of civil rights in Sindh....Sindh became the focus of political attention later in the month [January 1999] when the Supreme Court declared unlawful the central Government’s decision to remove the powers of the speaker and deputy speaker of the suspended Sindh assembly. In mid-February 1999 the Supreme Court ruled that military trials could not be used for cases against civilians, thus sparing 14 people from death sentences imposed in the military tribunals in Sindh and effectively barring the establishment of military courts throughout the country (as the Government had proposed). The Supreme Court ordered the transfer of the cases to civilian anti-terrorist courts.” [1] (p3260)

6.116 According to a BBC Monitoring Service report dated 16 December 1999, in December 1999 the military established talks with exiled MQM leader Altaf Hussain in London. It was reported that the new Musharraf military administration (following the coup of October 1999) was taking long-term measures to remove the sense of deprivation in Sindh, and MQM members there were also contacted. The report stated that “Important matters, including the MQM’s position, reservations, demands made during previous governments, and cases made against it, have been discussed.” [8b]

Current Situation

6.117 The US State Department Report 2003 (USSD), published on 25 February 2004, described the MQM as an urban Sindh-based political party that in the past used violence to further its aims, and stated that the MQM claimed that police specifically targeted its adherents for extra-judicial killings. [2b] (p3) According to the USSD 2003:

“In the intra-Mohajir violence in Karachi, victims sometimes first were held and tortured by opposing groups (or, as the Muttahida Quami Movement (MQM) - Altaf alleges, by security forces). Bodies of these victims, often mutilated, generally were dumped in the street soon after the victims were abducted; however, the incidence of such crimes decreased greatly during the year [2003].” [2b] (p4)

6.118 The USSD 2003 further noted that:

“Hundreds of MQM activists have been arrested over the last four years, and several dozen remained in custody at year’s end; some of these activists were being held without charge. Two factions of the MQM split have been fighting each other for several years; according to observers, most of those arrested were picked up for violent crimes. The main wing of the MQM is now part of the ruling coalition in the national and Sindh provincial government; and those currently held in detention all appear to be violent persons from the minority wing of the party. According to MQM officials, police have arrested more than 700 MQM officials during the past 4 years.” [2b] (p8)

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Women

Legal Provisions

Background

6.119 According to the US State Department Report 2003 (USSD), published on 25 February 2004, “The Constitution provided for equality before the law for all citizens and broadly prohibited discrimination based on race, religion, caste, residence, or place of birth; however, in practice there was significant discrimination based on these factors.” [2b] (p22)

6.120 According to Section 25 of Chapter I Part II of the Constitution, “All citizens are equal before law and are entitled to equal protection of law....There shall be no discrimination on the basis of sex alone....Nothing in this Article shall prevent the State from making any special provision for the protection of women and children.” [42] (p5)

6.121 As stated in an Amnesty International – AI - Report 1997, Pakistan ratified the United Nations' Convention on the Elimination of All Forms of Discrimination against Women in March 1996. However, AI reported that “In the year following ratification no steps were taken to end explicit discrimination in law against women.” [4c] (p1)

6.122 According to AI’s April 2002 Report ‘Pakistan: Insufficient Protection of

Women’:

“On 21 April 2000, General Pervez Musharraf also announced: “The Citizenship Act of 1951, as amended, has been promulgated to enable women of Pakistani descent to claim Pakistan nationality for their children born to foreign husbands”....Earlier children could only have Pakistani nationality if their fathers were Pakistani nationals. However, some inequalities persist: foreign women can acquire Pakistani citizenship through marriage with Pakistani men but Pakistani nationality is not extended to foreign husbands of Pakistani women.” [4h] (p8)

The USSD 2003 also noted that “In 2001, an amendment ordinance to the citizenship law was issued which enabled women married to foreigners to claim citizenship for their children.” [2b] (p25)

Discriminatory Legislation

6.123 According to the Asian Development Bank Country Briefing paper, Women in Pakistan July 2000:

“The 1973 Constitution of Pakistan is a contradictory instrument. On the one hand, Article 25 of the Constitution guarantees equality of rights to all citizens irrespective of sex, race, and class and empowers the Government to take affirmative action to protect and promote women’s rights. On the other hand, there are several discriminatory laws that negatively impact on women.” [The Report then cites the Family Law, the Muslim Family Law and citizenship laws as examples] [32] (p10)

6.124 The same Paper noted that “A series of discriminatory laws were introduced as a part of the process of Islamization by Zia-ul-Haq during the late 1970s. The Hudood Ordinances promulgated in 1979 equated rape with adultery. In the case of maximum punishment, a woman’s testimony was not admitted to prove rape or adultery.” [32] (p10)

6.125 According to the Asian Development Bank Country Briefing paper, Women in Pakistan July 2000, “The Law of Evidence promulgated in 1984 denigrated women by reducing the value of the testimony of two women to equal one man in financial transactions. The laws of evidence, *Qisas* and *Diyat*, institutionalize the compensation or blood money for crimes including murder and bodily harm. According to this law, women’s value would be considered equal to half that of a man.” [32] (p11)

6.126 According to the US State Department Report 2003 (USSD), published on 25 February 2004:

“There are no specific laws pertaining to domestic violence, except for the *Qisas* and *Diyat* ordinances, which rarely were invoked and may privatize the crime. However, *Qisas* and *Diyat* cannot be invoked where the victim was a direct lineal descendant of the perpetrator. Police and judges tended to see domestic violence as a family problem, and were reluctant to take action in such cases. Thus, it was difficult for women to obtain relief from the justice

system in cases of domestic violence.” [2b] (p22)

(See also Domestic Violence Section, paragraph 141)

6.127 The USSD 2003 also recorded that:

“All consensual extramarital sexual relations are considered violations of the Hudood Ordinances, and carry Hadd (Koranic) or Tazir (secular) punishments (see Section 1.e. [USSD 2003]). Accordingly, if a woman cannot prove the absence of consent, there was a risk that she may be charged with a violation of the Hudood ordinances for fornication or adultery. The Hadd--or maximum punishment for this offense--was public flogging or stoning; however, for Hadd punishments to apply, especially stringent rules of evidence were followed. Hadd punishments were mandatory if evidentiary requirements were met; for sexual offenses, four adult male Muslims must witness the act or the alleged perpetrator must confess. For non-Muslims or in cases where all of the 4 male witnesses were not Muslim, the punishment was less severe. The testimony of four female witnesses, or that of the victim alone, was insufficient to impose Hadd punishments; therefore, even if a man rapes a woman in the presence of several women, he cannot be subjected to the Hadd punishment. If Hadd punishment requirements were not met, the accused may be sentenced to a lesser class of penalties (Tazir); in practice most rape cases were tried at this level. Under Tazir a rapist may be sentenced to up to 25 years in prison and 30 lashes. No Hadd punishment has been applied in the more than 20 years that the Hudood ordinances have been in force. For Tazir punishments, there was no distinction between Muslim and non-Muslim offenders. According to AI [Amnesty International], men accused of rape sometimes were acquitted and released, while their victims were held on adultery charges.” [2b] (p23)

(See also section on Domestic Violence, paragraphs 6.141-6.143)

6.128 Amnesty International’s publication, *The Wire*, for July 2004 reported that:

“According to the Human Rights Commission of Pakistan, every two hours a woman is raped in Pakistan and every eight hours a woman is subjected to gang rape....The frequency of rape is thought to be much higher but many rapes remain unreported due to a combination of social taboos, discriminatory laws and victimization by the police....These laws [Hudood Ordinances] place an almost impossible burden of proof on women and girls who are raped. If they report a rape to the police they are often charged with Zina crimes [unlawful sexual intercourse] because they have in effect admitted to sexual intercourse outside of marriage and been unable to prove absence of consent. In such cases, the victims are more likely to be convicted than the perpetrators.” [4d] (p2)

6.129 However, according to a BBC news article dated 31 March 2004:

“A long-awaited bill on women’s rights has been presented before Pakistan’s

National Assembly. ...It seeks to abolish laws discriminating against women, including the Islamic Hudood ordinance, which opponents say fails to separate rape from adultery.... The bill was presented by an opposition MP from the Pakistan People's Party (PPP), Sherry Rehman....A number of women MPs said the existing laws were discriminatory, but other voices on the government benches criticised any move to abolish laws they said were made in the name of Islam....An official commission set up by the government recommended that the Hudood ordinance should be repealed and President Pervez Musharraf backs the move." The report also said that the two issues involved were honour killings and the Hudood ordinance. [35ah]

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National Commission on the Status of Women

6.130 As stated in Amnesty International's (AI) April 2002 report; Pakistan Insufficient Protection of Women, a National Commission on the Status of Women – NCSW - was set up by Ordinance on 17 July 2000, constituted on 16 August 2000, and finally began work at the beginning of September 2000. AI stated that:

"Originally announced as an autonomous, permanent and financially secure body, the Commission did not in the end have enforcement powers with regard to its own recommendations or judicial powers to stop violations....The Commission is headed by the North West Frontier Province (NWFP) Minister for Women Development and Population Welfare, Dr Shaheen Sardar Ali, who has stated on numerous occasions that 'systematic operational plans are being developed to curb violence against women, including honour killings, domestic violence and sexual harassment....Women activists in Pakistan have been sceptical about the Commission from the outset, pointing particularly to its lack of independence – its secretariat is in the Ministry of Women's Development – and of enforcement powers.'" [4h] (p8-9)

6.131 The Human Rights Commission of Pakistan – HRCP – published extracts from a report and recommendations made by the NCSW in 2003. The report stated that "At the end of the meetings there was general consensus amongst the members that the Hudood Ordinances, as drafted, are defective, that they are lacunae [incomplete], and also that the major part of these ordinances consists of sections that were lifted from the Pakistan Penal Code." [27d] (p2)

Family Law

6.132 The Muslim Family Laws Ordinance, 1961, is the legislation which applies to Muslim citizens. The Ordinance stated that "It extends to whole of Pakistan [sic], and applies to all Muslim citizens of Pakistan, wherever they may be." [30] (p1) In addition to the Muslim Family Laws Ordinance of 1961, the Dissolution of Muslim Marriages Act 1939 laid down the grounds on which a woman may divorce her husband. [31] (p1) An Amnesty International Report 'Pakistan Insufficient Protection of Women (April 2002) advised that, by law, the minimum age for marriage is 16 for girls and 18 for boys. [4h] (p21)

6.133 According to the US State Department Report 2003 (USSD), published on 25 February 2004, “Civil marriages do not exist; marriages are performed and registered according to one’s religion.” [2b] (p12) The Emory Law School website recorded the following restrictions on polygamy; “Polygamy: constraints placed on polygamy by requirement of application to the local Union Council for permission and notification of existing wife/wives, backed up by penal sanctions for contracting a polygamous marriage without prior permission; husband’s contracting polygamous marriage in contravention of legal procedures is sufficient grounds for first wife to obtain decree of dissolution.” [29a] (p3) However also according to the Emory law school website, difficulties in enforcing the application process and a reluctance of the judiciary to apply the penalties had been reported.[29a] (p7)

6.134 According to the USSD 2003, “Both civil and religious laws theoretically protect women’s rights in cases of divorce, but many women are unaware of their rights, and often the laws were not observed. One NGO reported that legal literacy is constrained by the lack of laws printed in local languages. No action was taken on the 2002 judicial reforms which planned to publish laws in Urdu, which is understood by the majority of citizens.” [2b] (p25)

6.135 The USSD 2003 also noted that “In December [2003], the Supreme Court upheld in 1997 the federal Shariat Court’s ruling that a Muslim woman can marry without the consent of her wali (guardian--usually her father). However, in practice, social custom dictates that couples are to marry at the direction of family elders. When this custom was violated, especially across ethnic lines, violence against the couple may result, and the authorities generally failed to prosecute such cases vigorously.” [2b] (p25)

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The Position of Women In Society

Background

6.136 According to the Asian Development Bank Country Briefing paper, Women in Pakistan July 2000:

“The status of women in Pakistan is not homogenous because of the interconnection of gender with other forms of exclusion in the society. There is considerable diversity in the status of women across classes, regions, and the rural/urban divide due to uneven socioeconomic development and the impact of tribal, feudal, and capitalist social formations on women’s lives. However, women’s situation vis-à-vis men is one of systematic subordination, determined by the forces of patriarchy across classes, regions, and the rural/urban divide.” [32] (p1)

The report also noted that “On the other hand, women belonging to the upper and middle classes have increasingly greater access to education and employment opportunities and can assume greater control of their lives.” [32] (p2)

6.137 According to Amnesty International’s April 2002 Report, ‘Pakistan Insufficient

Protection of Women:

“The government of President Pervez Musharraf acknowledging for the first time that women in Pakistan are disadvantaged and discriminated against, made a range of commitments to ensure the adequate protection of women's rights. But two years later the record of achievements is uneven. Some positive changes have been introduced, mainly at the state level, some courts have made progressive rulings benefiting women but, by and large, women's rights continued to be insufficiently protected.” [4h] (p4)

6.138 In Amnesty International's August 2002 Report, 'Pakistan The tribal justice system,' it was reported that:

“Women do not as a rule have access to the tribal justice system. If issues including inheritance or custody of children affecting women arise they are usually settled in the family with women's interests represented—or misrepresented—by male relatives....Amnesty International was told that women's evidence would not be accepted in murder cases....Women also do not have direct access to *jirgas* [councils of tribal elders] even if they fear becoming the victims of honour crimes; they cannot defend themselves or clear their reputation of slurs and slander....Women are not consulted when important decisions affecting their lives are made; even when they are handed over as part of a compensation agreements to settle a revenge killing or an "honour" crime....Tribal leaders and others supporting this practice betray a high level of disregard for women's rights when they argue that the handing over women to settle a dispute produces blood bonds which make for lasting peace and are therefore desirable.” [4h] (p31-32)

6.139 According to the US State Department Report 2003 (USSD), published on 25 February 2004, “Significant barriers to the advancement of women begin at birth. In general female children are less valued and cared for than male children.” [2b] (p24) It further noted that “Discrimination against women was widespread, and traditional social and legal constraints generally kept women in a subordinate position in society. [2b] (p2)

6.140 According to the Europa World Year Book 2004, estimates for 2002 gave an adult literacy rate of 44.0%, of which males comprised 58.3% and females 28.8% [sic]. [1] (p3279) The USSD 2003 noted that “In some areas of rural Sindh and Baluchistan [Balochistan], female literacy rates were 2% or less....Although a small number of women study and teach in universities, postgraduate employment opportunities for women largely remain limited to teaching, medical services, and the law. Nevertheless an increasing number of women are entering the commercial and public sectors.” [2b] (p25)

(See also Section on People Trafficking, paragraphs 6.95-6.96)

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Domestic Violence

6.141 According to the US State Department Report 2003 (USSD), published on 25 February 2004:

“Domestic violence was a widespread and serious problem. Human rights groups estimated that a large number of women were victims of domestic violence at the hands of their husbands, in-laws, or other relatives. According to the HRCP, one out of every two women was the victim of mental or physical violence. The National Commission on the Status of Women reported in 2001 that violence against women “has been described as the most pervasive violation of human rights” in the country, and it called for legislation clearly stating that domestic violence against women is a criminal offense. Husbands were known to kill their wives even for trivial offenses, and often newly married women were abused and harassed by their in-laws. While abusers may be charged with assault, cases rarely were filed. Police usually returned battered women to their abusive family members. Women were reluctant to file charges because of societal mores that stigmatize divorce and make women economically and psychologically dependent on their relatives. Relatives also were reluctant to report abuse to protect the reputation of the family. There are no specific laws pertaining to domestic violence, except for the Qisas and Diyat ordinances, which rarely were invoked and may privatize the crime. However, Qisas and Diyat cannot be invoked where the victim was a direct lineal descendant of the perpetrator. Police and judges tended to see domestic violence as a family problem, and were reluctant to take action in such cases. Thus, it was difficult for women to obtain relief from the justice system in cases of domestic violence.” [2b] (p22)

6.142 The USSD 2003 also noted that:

“During the year [2003], the press reported on hundreds of incidents of violence against women, and drew attention to the killings of married women by relatives over dowry or other family-related disputes. Most of the victims were burned to death, allegedly in kitchen-stove accidents; some women reportedly were burned with acid. For example, in December, Mohammed Sajid was convicted of attacking and blinding his 17-year-old fiancée with acid in Punjab. The court sentenced Sajid to seven years in jail and ruled that Sajid be blinded by acid in a public setting. Police said the defendant was likely to appeal his conviction and sentence. During the year, in Punjab, 99 burn cases were reported. Human rights monitors asserted that many cases were not reported by hospitals and that, even when they were, the police were reluctant to investigate or file charges. Furthermore, human rights monitors agree that most “stove deaths” in fact are killings based upon a suspicion of an illicit sexual relationship or upon dowry demands. Increased media coverage of cases of wife burnings, spousal abuse, spousal killing, and rape has helped to raise awareness about violence against women.” [2b] (p22-23)

6.143 The USSD 2003 further noted that, “The Government has criticized the violence against women and has opened some crisis centers for women. In 2002, the Crisis Center for Women in Distress helped 89 women through legal and medical

referrals, counselling from trained psychologists, and a hotline for women in distress.” [2b] (p23)

Honour Killings

6.144 According to Amnesty International’s April 2002 Report ‘Pakistan: Insufficient Protection of Women’:

“‘Honour’ killings are carried out by men who assume that their wives, daughters or sisters have in some way contravened norms relating to the behaviour of women thereby damaging a man’s ‘honour’. Often the grounds for such assumptions can be very flimsy and amount to nothing more than a suspicion about a woman’s fidelity; but men are also known to have felt shamed if ‘their’ women seek divorce or become the victims of rape. Men in Pakistani society have virtually no other means of undoing a perceived infringement of ‘honour’ than to kill the woman assumed to be guilty of it. Social pressures to eliminate the ‘offending’ woman are great and men who would rather ignore rumours of infringement of ‘honour’ are themselves considered dishonourable. Women, too, have to some extent internalized norms of ‘honour’ and are known to have approved of or assisted in killings of other woman in the context of ‘honour’.” [4h] (p25)

6.145 The same report also noted that “The possibility of extracting compensation payment from a potential male victim of an ‘honour’ crime has added another layer of fake ‘honour’ crimes.” In these cases husbands level charges of illicit relations between their wife and a rich man in the village, then “The killer takes money to pardon the suspected man as well as gets rid of a wife or sister by killing her and her share of property is also saved.” [4h] (p25-26)

6.146 According to a 2004 Freedom House report on Pakistan, “According to the HRCP [Human Rights Commission of Pakistan] at least 450 women were killed by family members in so-called honour killings in 2003.” [19] (p5)

6.147 According to the US State Department Report 2003 (USSD 2003), published 25 February 2004:

“There were numerous reports of women killed or mutilated by male relatives who suspected them of adultery. It is estimated that at least 631 women were killed as a result of honor killings, known as “karo/kari” (or adulterer/adulteress) in Sindh, during the year. Approximately 102 honor killings took place in Punjab according to the HRCP. The problem was believed to be even more extensive in rural Sindh and Baluchistan [Balochistan], where “karo/kari” killings were common. Tribal custom among the Baluch and the Pathans sanctions such killings. The National Commission on the Status of Women has rejected the concept of “honor” as a mitigating circumstance in a murder case and recommended that such killings be treated as simple murder. Women who were the victims of rape may become the victims of their families’ vengeance against the victims’ “defilement”. The Government failed to take action in honor killing cases, particularly when influential families were involved.” [2b] (p24)

6.148 According to a BBC news item dated 31 March 2004, “The so-called honour killings are widely practised in rural parts of Sindh, Punjab and the North West Frontier Province, and in almost all cases the murderer is pardoned by family members under the controversial Islamic laws of Qisas and Diyat.” [35ah]

6.149 IRIN news reported on 22 January 2004 that:

“Pakistani human rights groups have welcomed General Musharraf’s intervention in the case of Shaista Almani, a young woman facing the threat of an ‘honour killing’ for marrying outside her tribal group....Musharraf intervened by ordering the provincial government of Sindh last week to take all possible measures to ensure the woman’s safety and provide suitable employment. The move followed action by civil rights groups, media and political parties, who highlighted her case as a potential victim of ‘karo/kari’ or honour killing, and appealed to the government to protect her. Her case is the second time in less than two months that the President has intervened in an honour killing case. Shaista’s case is a good example of the way women are being dealt with in our rural society. But the positive sign [here] is that all the forces of civil society have rallied against this potential crime and played a very constructive role, which shows that things are getting changed slowly” Nuzhat Shirin, a programme coordinator at the Aurat Foundation, an NGO working for women’s rights told IRIN from Karachi....Those fighting to promote women’s rights in Pakistan see the presidential moves to curtail honour killings as part of a broader trend to prioritise women’s issues, particularly at legislative level....“At present, there are several initiatives being taken at the provincial as well as national legislative assemblies to amend the existing anti-women laws and adopt legislation against the honour killing and Jirga system” Waseem Wahga, a programme officer at the Aurat foundation in the capital, Islamabad, said.” [41e]

6.150 In the same report, IRIN also noted that:

“A resolution moved by a parliamentarian from the ruling alliance is due to come before Pakistan’s national assembly for debate during its next session, which particularly deals with the issue of honour killing. If the ruling alliance ignores pressure from conservative parliamentarians, particularly from the tribal areas, and passes the new law, it will be a major big step towards combating the heinous crime, rights activists say....In another progressive step, last month [December 2003] the highest court in the country empowered women to marry of their own free will without the approval of their parent or legal guardian.” [41e]

6.151 As reported by IRIN on 28 January 2004, “A landmark resolution was adopted by the southwestern province of Balochistan’s [Baluchistan’s]’s provincial assembly on Tuesday [27 January 2004] which urged the federal government to produce laws protecting women from honour killings, according to a parliamentarian....According to rights activists, more than 1,200 women fell prey to honour killings across the country, out of a total of nearly 4,000 cases of violence against women reported in 2003.” [41f]

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Rape

6.152 According to the US State Department Report 2003 (USSD), published on 25 February 2004, "Marital rape is not a crime. The Hudood Ordinances abolished punishment for raping one's wife. Marriage registration (nikah) sometimes occurs years before a marriage is consummated (rukhsati). The nikah (unconsummated) marriage is regarded as a formal marital relationship, and thus a woman or girl cannot be raped by a man to whom her marriage is registered, even if the marriage has not yet been entered into formally." [2b] (p24)

6.153 The USSD 2003 further stated that:

"Rape was a pervasive problem. It is estimated that less than one-third of all rapes are reported to the police. The law provides for the death penalty for persons convicted of gang rape. No executions have been carried out under this law and conviction rates remain low. Police rarely respond to and sometimes are implicated in these attacks....All consensual extramarital sexual relations are considered violations of the Hudood Ordinances, and carry Hadd (Koranic) or Tazir (secular) punishments (see Section 1.e. [USSD 2003]). Accordingly, if a woman cannot prove the absence of consent, there was a risk that she may be charged with a violation of the Hudood ordinances for fornication or adultery." [2b] (p23)

6.154 On 31 March 2004 the BBC reported that, "According to Pakistan's independent human rights commission, in most cases of rape where a victim is unable to produce four male witnesses as required by law, she is charged with adultery." [35ah]

6.155 The USSD 2003 further noted that:

"Women also face problems in the collection of evidence: doctors tasked to examine rape victims often believe that the victims are lying; they are inadequately trained and equipped for the collection of forensic evidence pertaining to rape; that they do not testify very effectively in court; they tend to focus on the virginity status of the victim; and, due either to an inadequate understanding of the need for prompt medical evaluations or to inadequate resources, they often delay the medical examinations for many days or even weeks, making any evidence that they collect of dubious utility. Medical examiners and police personnel sometimes are abusive physically or verbally during these exams, especially in cases where a woman is charged with adultery or fornication (for which an exam may be requested) and does not wish to be examined (such women, despite the fact that by law they should not be examined without their consent, have been examined, and even have been beaten for their refusal to be examined). Police and doctors often do not know that a woman must consent to this type of exam before it can be performed, and judges may not inform women of their right to decline. If they report rape to the police, women's cases often are delayed or mishandled, and police or the alleged perpetrators frequently harassed women to drop the

case. Police sometimes accept bribes from the accused rapist to get the victim to drop a case; however, in other cases, police will request bribes from the victim to pursue the case against the accused rapist. Police tend to investigate the cases poorly, and may not inform women of the need for a medical exam or may stall or block women's attempts to obtain one." [2b] (p23-24)

6.156 According to an IRIN news item dated 30 December 2003:

"Last year [2002], Za'faran Bibi, a pregnant young woman, was convicted of adultery after complaining of rape, and was sentenced to death by stoning by a district court in North West Frontier Province. However, in August 2002, the Federal Islamic Court acquitted her, ruling that pregnancy was no proof of adultery. The case paved the way to a new approach, and later the National Commission on the Status of Women formed a committee to review the relevant laws on the status and rights of women." [41g] (p2)

Assistance Available to Women

6.157 According to the US State Department Report 2003 (USSD), published on 25 February 2004, "The Government has criticized the violence against women and has opened some crisis centers for women. In 2002, the Crisis Center for Women in Distress helped 89 women through legal and medical referrals, counselling from trained psychologists, and a hotline for women in distress." [2b] (p23)

6.158 According to their website (accessed in 2002), the organisation Lawyers for Human Rights and Legal Aid in conjunction with UNICEF had set up Madadgaar [Urdu for 'Helper'] which can be contacted by a hotline and provides support service system including legal aid and links with shelters for women. [7]

6.159 According to the USSD 2003, "Women's organizations operate primarily in urban centers. Many concentrate on educating women about existing legal rights. Other groups concentrate on providing legal aid to poor women in prison who may not be able to afford an attorney." [2b] (p25)

6.160 With regard to victims of trafficking, the USSD 2003 noted that:

"The Government sponsored shelters and training programs for actual and potential trafficking victims. There were 276 detention centers where women were sheltered and given access to medical treatment, limited legal representation, and some vocational training. The Government provided temporary residence status to foreign trafficking victims; however, police often treated victims of trafficking as criminals. The Government does not provide specialized training to assist trafficking victims. Very few NGOs deal specifically with trafficking; however, many local and provincial NGOs provide shelter to victims of trafficking and women and children at risk for trafficking." [2b] (p32)

(See also Section on People Trafficking, paragraphs 6.95-6.96)

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Marriage

6.161 According to the US State Department Report 2003 (USSD), published on 25 February 2004:

“Civil marriages do not exist; marriages are performed and registered according to one's religion. Upon conversion to Islam, the marriages of Jewish or Christian men remain legal; however, upon conversion to Islam, the marriages of Jewish or Christian women, or of other non-Muslims, that were performed under the rites of the previous religion are considered dissolved (see Section 2.c.[of USSD 2003]). While the Government generally does not interfere with the right to marry, the Government on occasion assisted influential families to prevent marriages they opposed. The Government also failed to prosecute vigorously cases in which families punished members (generally women) for marrying or seeking a divorce against the wishes of other family members.” [2b] (p12)

(See also section on Honour Killings, paragraphs 6.144-6.151)

6.162 According to Amnesty International's – AI - April 2002 Report 'Pakistan: Insufficient Protection of Women', “If they [women] chose to get married in court against the will of their parents, they may be charged, along with their husbands, with ‘illicit’ sexual relations under the country's Zina Ordinance if their parents do not recognize the legality of the marriage....Courts do not mandatorily maintain records of marriages which could be used to prove that a marriage was lawfully contracted.” [4h] (p29)

6.163 The same AI Report also noted that “Very early age at marriage continued to be reported despite legal provisions which fix the minimum age of marriage for girls at 16 and boys at 18.” [4h] (p21) AI further reported that “The practice of *watta-satta* persists. It involves a brother and sister cross-marrying another pair of siblings. It involves a mutual exchange of property, does away with the need to give dowry as both sides are in an equal position and is perhaps intended to ensure control over the treatment of a daughter as the other family's daughter is a kind of hostage. However, when relations in one such couple encounter difficulties, the other couple is often negatively affected as well.” [4h] (p23)

6.164 The USSD 2003 noted that:

“In December [2003], the Supreme Court upheld in 1997 the federal Shariat Court's ruling that a Muslim woman can marry without the consent of her wali (guardian--usually her father). However, in practice, social custom dictates that couples are to marry at the direction of family elders. When this custom was violated, especially across ethnic lines, violence against the couple may result, and the authorities generally failed to prosecute such cases vigorously.” [2b] (p25)

6.165 IRIN news reported on 22 January 2004 that “In another progressive step, last month [December 2003] the highest court in the country empowered women to marry of

their own free will without the approval of their parent or legal guardian.” [41e]

6.166 The USSD 2003 reported that "In rural areas, the practice of a woman "marrying the Koran" still was accepted widely if the family cannot arrange a suitable marriage or wants to keep the family wealth intact. A woman "married to the Koran" is forbidden to have any contact with males more than 14 years of age, including her immediate family members....Press reports indicate that the practice of buying and selling brides still occurs in part of the NWFP and the Punjab. For example, on July 22 [2003], the press reported the case of a twenty-year-old female from the NWFP who was sold to a 75-year-old man from Punjab." [2b] (p25)

6.167 The USSD 2003 also noted that:

"Both civil and religious laws theoretically protect women's rights in cases of divorce, but many women are unaware of their rights, and often the laws were not observed. One NGO reported that legal literacy is constrained by the lack of laws printed in local languages. No action was taken on the 2002 judicial reforms which planned to publish laws in Urdu, which is understood by the majority of citizens....A husband is legally bound to maintain his wife until 3 months after the divorce. A father is bound to maintain his children until they reach the age of 14 for males, or 16 for females. However, the legal process is so complicated and lengthy that it can take years for the children to get maintenance." [2b] (p25)

Treatment of Women in Detention

6.168 According to the US State Department Report 2003 (USSD), published on 25 February 2004:

"Special women's police stations have been established in response to complaints of custodial abuse of women, including rape. Female personnel staffed these stations, but they receive even fewer material and human resources than regular police stations. Efforts to raise funds for the stations during the year achieved minimal results. According to the Government's National Commission on the Status of Women, the stations did not function independently or fulfil their purpose. Despite court orders and regulations that only female officers may interrogate female suspects, women continued to be detained overnight at regular police stations and abused by male officers. Instances of abuse of women in prisons are less frequent than in police stations....Female detainees and prisoners were held separately from male detainees and prisoners. According to the Progressive Women's Association, there were approximately 2,765 women in jail nationwide at the end of 2002. Pretrial detainees often are not segregated from convicted criminals." [2b] (p5-6)

6.169 According to an April 2002 Amnesty International report. "Physical abuse of women in custody continues to be rife in Pakistan. Despite promises of police reform, police continue to use torture to intimidate, harass and humiliate detainees to extract money or information. Women are subjected to gender-specific abuses including sexual harassment, public undressing and parading, and rape. Conditions

of detention for women are also of grave concern.” [4j] (p2)

Political Representation

6.170 According to the Europa World Year Book 2004, 60 seats were reserved for women in the 342 seat National Assembly for the elections on 10 October 2002. [1] (p3271)

6.171 According to the US State Department Report 2003 (USSD), published on 25 February 2004:

“There were 73 women in the 342-seat National Assembly; there was one woman in the Cabinet; and none in the Supreme Court. During 2001, the Government set aside one-third of the seats in the local council elections for female candidates. In 2002, the NRB enacted electoral reforms that include the tripling of National Assembly seats reserved for women. According to the Election Commission, 2,621 women competed for 1,867 reserved seats at the district level in 2001. In some districts, social and religious conservatives prevented women from becoming candidates; however, in several districts, female candidates were elected unopposed. Women participate in large numbers in elections, although some are dissuaded from voting by family, religious, and social customs. In districts of the NWFP and southern Punjab's tribal areas, conservative religious leaders lobbied successfully to prevent women from contesting elections or casting ballots. According to press reports, female voters were threatened and their families intimidated from voting and running for office. In 2002, the MMA coalition of religious parties declared that the families of women who voted in NWFP would be fined. Prime Minister Jamali has one female minister and one female special advisor. Provincial chief ministers also have named women to serve in their cabinets.” [2b] (p21)

Property and Inheritance Rights

6.172 According to the US State Department Report 2003 (USSD), published on 25 February 2004, “In inheritance cases, women generally do not receive - or are pressed to surrender - the share of the inheritance they legally are due.” [2b] (p25)

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Children

6.173 According to the US State Department Report 2003 (USSD), published on 25 February 2004:

“The Government, through its laws and programs, does not demonstrate a strong commitment to children's rights and welfare. There is no federal law on compulsory education, and neither the federal nor provincial governments provide sufficient resources to assure universal education. The education system is in disarray. Studies showed the gross primary enrolment rate for the country was 86.2 percent. According to the World Bank, more than a third

of the nation's 10-year-olds have never attended school. According to the U.S. Agency for International Development, boys average less than two years of attendance, girls less than one." [2b] (p25-26)

6.174 The USSD 2003 also reported that "According to press reports, there are several madrassas [Islamic religious schools] where children were confined illegally and kept in unhealthy conditions, and there were reports of the abuse of children studying at madrassas during the year. Sexual abuse of boys was widely believed to occur at some madrassas." [2b] (p26)

6.175 The USSD 2003 further noted that:

"In 2002, The Government announced a ordinance regulating madrassas under a voluntary program that included the setting up of model schools, the setting of teacher training standards, and the standardization of the curricula in participating schools to include general education subjects. A board was to enforce the regulations, oversee participating schools, and control all internal and external funding of participating schools. Religious clerics objected to any government regulation of the madrassas, and as a result, the Government failed to enforce most of the requirements. The Ministry of Education claimed that 8,000 madrassas were registered with the Government at year's end." [2b] (p26)

6.176 According to the USSD 2003:

"Children sometimes were kidnapped to be used as forced labour, for ransom, or to seek revenge against an enemy (see Section 6.d. [of USSD 2003]). In rural areas it is a traditional practice for poor parents to give children to rich landlords in exchange for money or land according to human rights advocates. These children were frequently abused by the landlords and held as bonded laborers for life. Landlords have also been known to pay impoverished parents for the "virginity" of their daughters, whom the landlords then rape. Incidents of rape were common....The HRCP [Human Rights Commission of Pakistan] reported that in the majority of child abuse cases, children were abused by acquaintances. Trafficking in children is a serious problem. Child prostitution involving boys and girls is known to exist but rarely is discussed. All forms of prostitution were illegal, and a person who abducted a child under the age of 10 and committed sexual assault may be sentenced to death." [2b] (p26)

6.177 The USSD 2003 also reported that, "The Government assisted underage children and has rescued some kidnapped victims. During the year [2003], the Pakistan Foundation helped to repatriate 30 minor children who were trafficked to the Middle East to work. The establishment of crime circle in FIA to deal with child trafficking has produced a significant increase in apprehended traffickers." [2b] (p32)

6.178 The USSD 2003 further stated that:

"The Constitution prohibits the employment of children under age 14 years in factories, mines and other hazardous occupations. The Employment of

Children Act prohibits the employment of children under age 14 in certain occupations and regulates their conditions of work. Under this law, no child is allowed to work overtime or at night. Penalties for the violation of the act include fines of up to \$300 (PKR 20,000) or 1 year in prison. As of year's end, no one had ever received the maximum penalty. Child labor was common and resulted from a combination of severe poverty, employer greed, and inadequate enforcement of laws intended to control it. The Government has not committed funds to combat child labor.” [2b] (p29)

6.179 According to a 2004 Freedom House report on Pakistan, “The enforcement of child labor laws continue to be inadequate.” [19] (p4)
(See also Section on Employment Rights paragraph 6.93)

6.180 According to the USSD 2003:

“There are few facilities for convicted prisoners under 21 years of age, and children frequently were incarcerated along with the general prison population. Children offenders often were kept in separate barracks in adult prisons; however, to keep the children separated, most of the time they were confined to their barracks. Many children in prison were born to female inmates who were sexually abused by prison guards. The Juvenile Justice System Ordinance (JJSO) was passed in 2000 to protect the rights of children; however, according to AI [Amnesty International], an estimated 4,500 children were held in the nation's prisons, of which 3,000 were awaiting trial. Imprisoned children often spent long periods of time in prison awaiting trial or a hearing before a magistrate, often in violation of the law. Children were subject to the same delays and inefficiencies in the justice system as were adults (see Sections 1.d. and 1.e. [of USSD 2003]). HRW [Human Rights Watch] reported that children frequently were beaten and even tortured while in detention; usually this was done to extract confessions, but it was done also to punish or intimidate child detainees or to extort payment from their families for their release.” [2b] (p6)

(Also see section on Prisons and Prison Conditions, paragraph 5.63)

6.181 The USSD Report 2003 also noted that, “On 1 July 2000, the government passed the Juvenile Justice System Ordinance. The ordinance abolishes the death penalty for minors under 18 years of age, mandates that the Government provide children with legal assistance, prohibits children from being tried for crimes with adults, and prohibits the proceedings of juvenile courts from being published.” [2b] (p27)

6.182 The USSD 2003 further noted that:

“Courts also may order that children be sent to reform schools or various types of residential facilities, many designed to provide vocational or other training. There were two facilities—one in Karachi and one in Bahawalpur—that serve as reform schools for juvenile offenders. Juvenile offenders and, in some cases, homeless and destitute children, may be sent to these residential facilities, for terms not to exceed the amount of time until they

reach majority. Conditions in these institutions reportedly were poor, similar to those found in jails. Abuse and torture of the children in such institutions was a problem. Educational facilities in these institutions often were inadequate. Extortion on the part of the staff at such institutions reportedly was widespread; parents of inmates often were required to pay lower level staff members to visit their children or bring them food. Drug trafficking by guards and other staff also was a problem; some children reportedly developed drug habits while in these institutions and were supplied drugs by their guards.” [2b] (p6)

6.183 According to the USSD 2003:

“Health care services, like education, remained seriously inadequate for the nation's children. Children suffered a high rate of preventable childhood diseases. According to the National Institute of Child Health Care, more than 70 percent of deaths between birth and the age of 5 years were caused by easily preventable ailments such as diarrhea and malnutrition. Public health administration suffers from poor management, lack of accountability, unreliable or falsified statistics, and lack of cooperation among agencies. In 2001, 30 million children under the age of 5 were targeted for polio vaccinations. According to the Extended Program for Immunizations, 27 million children were successfully vaccinated. Only 83 cases of polio were reported in November 2002.” [2b] (p26)

Child Care Arrangements

6.184 The website of the Edhi Foundation, accessed on 1 October 2004, stated that their services included shelter for orphans, and that they were currently a home for 6,000 destitutes, runaways and mentally ill. It stated that “Baby cradles are installed near most emergency Edhi centers where unwanted children can be abandoned without disclosing any identity.” [21]

6.185 According to SOS Home page, accessed 1 September 2002, “SOS Children's Villages of Pakistan is a private social welfare organisation dedicated to providing homes for orphaned, abandoned or destitute children.” [28]

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Homosexuals

6.186 According to the ILGA world legal survey 1999, “Section 377 Penal Code criminalizes “carnal knowledge of any man against the order of nature”, with a penalty of two years up to life imprisonment and a possible corporal punishment of 100 lashes.” [25] (p2) UNHCR's May 1998 Background Paper on Refugees and Asylum Seekers from Pakistan noted that homosexuality was considered immoral and that “Homosexual acts constitute an offense punishable with imprisonment for life, and known homosexuals are said to become social outcasts.” [20a] (p26)

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6 C Human Rights - Other Issues

Afghan Refugees

6.187 According to the US State Department Report 2003 (USSD), published on 25 February 2004:

“The law does not provide for the granting of refugee or asylum status in accordance with the 1951 UN Convention Relating to the Status of Refugees or its 1967 Protocol, nor has the Government adopted domestic legislation concerning the treatment of refugees or the granting of asylum status. The Government generally cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR). The Government provided temporary protection to many persons during the year [2003]. Temporary protection has been provided to refugees from Afghanistan since 1979. According to the U.S. Committee for Refugees, approximately 1.5 million Afghan refugees remained in country at year's end. There also were many unregistered Afghans in urban areas throughout the country, including in Peshawar, Quetta, Islamabad, Rawalpindi, and Lahore. In March [2003], representatives of the Government, the Government of Afghanistan, and UNHCR signed a tripartite repatriation agreement providing for the return of Afghan refugees from the country. By year's end, 2.5 million Afghan refugees had been repatriated with UNHCR assistance since March 2002. During the year, some refugees from Afghanistan voluntarily repatriated themselves.” [2b] (p18)

6.188 The USSD 2003 also noted that “The Government cooperated with UNHCR to support voluntary repatriations to rural areas of Afghanistan considered to be safe. In 2002, UNHCR started a voluntary repatriation program and opened centers throughout both the country and Afghanistan and offered financial and other assistance to repatriating refugees.” [2b] (p19)

6.189 On 4 February 2002, IRIN news reported that, according to UNHCR, peace within Afghanistan was the overriding factor in motivating refugees to return and estimated that, in January 2002, 107,000 had returned from Pakistan. [41b]

6.190 The USSD 2003 further reported that:

“Many Afghan refugees continued to live and work in the country, and were self-supporting and lived outside of refugee camps, usually in urban or semi-urban areas. This resulted in some hostility among local communities whose residents resent the economic competition and believe that the refugees contribute to high crime rates. Conditions for refugees outside of the camps often were worse than for those in the camps. Refugees outside the camps also faced harassment by the police, especially in Peshawar, Islamabad, and Rawalpindi. Single women, female-headed households, and children who work on the streets faced particular security problems....Most refugee camps were well established, and living conditions resembled those in neighboring villages, even though most direct assistance to the camps ended in the early

1990's. During the year, the Government and UNHCR announced the consolidation and closing of camps near the Khyber Pass in the NWFP and camps in the Balochistan [Baluchistan] province.” [2b] (p18)

6.191 On 23 March 2004, the UN High Commissioner for Refugees issued details of the closure of Shalman refuge camp in NWFP, stating that some 400,000 Afghans were expected to return to their country in 2004. [20d]

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"Azad" Kashmir

Introduction

6.192 According to correspondence from FCO dated May 1993:

“The princely state of Jammu and Kashmir was formed in 1846 when the British administration allowed the Hindu Chief of Jammu to purchase the Muslim territories of Kashmir and Gilgit. At independence in 1947 the Maharajah of Kashmir tried to preserve Kashmiri autonomy by opting for neither Pakistan nor India. A revolt among the Muslims of his western territories led the Maharajah to sign an instrument of accession to India on 26 October 1947. Indian forces were immediately sent to the State, and Nehru [the Indian Prime Minister] announced that once law and order was established he was prepared to have “a referendum under international auspices like the UN” to determine the wishes of the Kashmiri people on their future.” [9] (p2)

6.193 The same correspondence noted that:

“Fighting continued, Pakistan army units becoming involved by May 1948. The UN Security Council (and UK Commission for India and Pakistan) passed a number of Resolutions calling for the withdrawal of Pakistani forces and most of the Indian forces, and a plebiscite under UN auspices. A cease-fire came into effect on 1 January 1949, and in July 1949 India and Pakistan agreed a cease-fire line. A UN Military Observer Group (UNMOGIP) has been in place monitoring this line ever since (redefined as the "Line of Control" after the 1971 war).” [9] (p2)

1965 and 1971 Wars

6.194 According to the 1993 FCO correspondence:

“Kashmir was fought over in two subsequent wars (1965 and 1971). Under the peace agreement signed at Simla in July 1972, both sides agreed "to settle their differences by peaceful means through bilateral negotiations or by any other peaceful means mutually agreed on between them". Both sides also committed themselves in the Simla agreement to “a final settlement of Jammu and Kashmir”. The Indians have since held that, by this agreement, Pakistan is precluded from invoking the UN resolutions in an effort to resolve problems with

India (including Kashmir)...Pakistan does not accept this interpretation, and regularly calls for a peaceful settlement "on the basis of the UN resolutions and in the spirit of the Simla Agreement". [9] (p3)

Line of Control

6.195 The 1993 FCO correspondence advised that the princely state was divided into three, stating that:

"The Northern territories and Azad² (free)" Kashmir - to the west of the Line of Control - enjoy different degrees of autonomy within Pakistan....The area to the east of the Line of Control (Ladakh, the Kashmir valley and most of Jammu) became the Indian State of Jammu and Kashmir. On the Indian side Muslims are in the overwhelming majority in Kashmir valley (over 80%), while Hindus are the majority community in Jammu (about 65%).[9] (p2)

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1998 - 2000

6.196 The Europa World Year Book 2004 reported that, following underground nuclear test explosions by both India and Pakistan in the first half of 1998, "Indo-Pakistan talks at foreign secretary level regarding Kashmir and other issues were resumed in Islamabad in October 1998" and notes that:

"In February 1999 relations [between Pakistan and India] appeared to improve considerably when the Indian Prime Minister, Atal Bihari Vajpayee, made an historic journey (inaugurating the first passenger bus service between India and Pakistan) over the border to Lahore. Following his welcome by the Pakistani Prime Minister, the two leaders held a summit meeting (the first to be conducted in Pakistan for 10 years) at the end of which they signed the Lahore Declaration, which, with its pledges regarding peace and nuclear security, seemed designed to allay world-wide fears of a nuclear 'flashpoint' in South Asia. The contentious subject of Jammu and Kashmir was, however, largely avoided. Concern over the escalating arms race in South Asia was again deepened in April [1999], following a series of ballistic missile tests carried out first by India and then by Pakistan (both countries, however, appeared to have adhered to the procedures incorporated in the Lahore Declaration, by informing each other of their test plans well in advance)." [1] (p3269)

6.197 Europa 2004 also noted that::

"In May 1999 the Kashmir conflict intensified to reach what was termed a 'near-war situation' following the reported infiltration of 600-900 well-armed Islamist militants, reinforced by regular Pakistani troops across the LoC [Line of Control] into the area around Kargil in the Indian-held section of Kashmir....In response, the Indian troops launched a series of air strikes against the militants at the end of the month, a move that represented a serious provocation to Pakistan since it constituted the first peacetime use of air power in Kashmir....In early July,

however, Indian military dominance combined with US diplomatic pressure prompted Nawaz Sharif's precipitate visit to Washington, DC, in the USA for talks with President Clinton. The resultant Washington Declaration prepared the ground for an end to the Kargil crisis through the Pakistani leader's agreement to the withdrawal of all 'intruders' from Indian-controlled Kashmir." [1] (p3269)

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2001 – 2002

6.198 According to the Europa World Year Book 2004:

"Tension with India was heightened considerably following a guerrilla-style attack on the state assembly building in Srinagar on 1 October [2001]....The Indian Government attributed responsibility for the attack to the Pakistani-based Jaish-e-Mohammed and Lashkar-e-Taiba groups. Tensions were exacerbated later in the month when Gen. Musharraf rejected official Indian requests to ban the activities of the organisation in Pakistan, although he did publicly condemn the attack." [1] (p3270)

6.199 Europa 2004 also noted that:

"In mid-May [2002] suspected Islamist militants attacked an Indian army camp in Jammu and Kashmir, killing more than 30 people. India expelled Pakistan's High Commissioner....Despite US attempts to calm tensions, artillery fire was exchanged along the LoC [Line of Control]....Pakistan would not rule out first use of nuclear weapons, and India declared that it would be prepared to go to war after the monsoon season ended (in September) if its neighbour refused to halt 'cross-border terrorism'....Following intense diplomatic efforts by British and US officials [in June], the threat of war appeared to diminish." [1] (p3270)

Current Situation

6.200 The Europa World Year Book 2004 reported that, on 23 November 2003, Pakistan announced a unilateral cease-fire along the Line of Control – LoC – (the informal border dividing Indian and Pakistani-administered Kashmir). India reciprocated by offering to extend the cease-fire across the Actual Ground Position Line in Siachen as well as across the international border. Diplomatic ties and some transport links were resumed between the two sides. [1] (p3271)

6.201 Europa also noted that, following the November cease-fire, India and Pakistan restored a passenger and freight train service between New Delhi and Lahore, and resumed direct aviation links, in January. [1] (p3271) Keesings Record of World Events for January 2004 confirmed this news, and recorded that a ground-breaking summit – the South Asian Association for Regional Co-operation (SAARC) - took place between leaders of the two countries in early January, though Pakistani militant separatist groups insisted that the 'armed struggle' would continue. [24d] (p45787)

6.202 On 4 June 2004 the BBC reported that “Pakistan has successfully test-fired a medium range missile capable of carrying nuclear warheads for the second time in less than a week....Senior officials told the Associated Press that Friday’s launch was part of routine testing to improve Pakistan’s missiles....A spokesman said the new Indian government had been informed the test would take place....Both countries recently agreed to hold talks on the nuclear issue.” [35g]

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Northern Areas

6.203 According to the US State Department Report 2003 (USSD 2003), published 25 February 2004:

“Because of a longstanding territorial dispute with India, the political status of the northern areas--Hunza, Gilgit, and Baltistan--was not resolved. As a result, more than 1 million inhabitants of the northern areas were not covered under the Constitution and have had no representation in the federal legislature. An appointed civil servant administers these areas; an elected Northern Areas Council serves only in an advisory capacity and has no authority to change laws or to raise and spend revenue.” [2b] (p21)

Treatment of Non-Governmental Organisations (NGO's)

6.204 According to the US State Department Report 2003 (USSD 2003), published 25 February 2004:

“A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases; however, they are required to be licensed. Government officials often were cooperative and responsive to their views. Human rights groups reported that they generally had good access to police stations and prisons....International observers were permitted to visit the country and travel freely. Several international organizations, focused on refugee relief, maintained permanent offices in the country, although some reported difficulty in securing visas for their foreign staff.” [2b] (p21-22)

6.205 The USSD 2003 further noted that, “The independent Human Rights Commission of Pakistan, based in Lahore, although hampered by a shortage of funds, conducted a number of investigations into human rights abuses, visited prisons, and organized several human rights seminars aimed at judicial officials and other government officials.” [2b] (p22)

6.206 According to a 2004 Freedom House report on Pakistan, “The military regime generally tolerates the work of nongovernmental organizations (NGO's). However, government officials detained a regional coordinator for the independent HRCP [Human Rights Commission of Pakistan] in March. In recent years, Islamic fundamentalists have issued death threats against prominent human rights defenders and against female NGO activists who work in rural areas.” [19] (p4)

ANNEX A: CHRONOLOGY OF EVENTS

(As reported in the BBC's 'Timeline – Pakistan A chronology of key events' [35b] unless otherwise sourced)

1906 - Muslim League founded as forum for Indian Muslim separatism.

1940 - Muslim League endorses idea of separate nation for India's Muslims.

1947 - Muslim state of East and West Pakistan created out of partition of India at the end of British rule. Hundreds of thousands die in widespread communal violence and millions are made homeless.

1948 - Muhammed Ali [Jinnah], the first governor general of Pakistan, dies.

1948 - First war with India over disputed territory of Kashmir.

Military rule

1951 - Jinnah's successor Liaquat Ali Khan is assassinated.

1956 - Constitution proclaims Pakistan an Islamic republic.

1958 - Martial law declared and General Ayyub Khan takes over.

1960 - General Ayyub Khan becomes president.

War and secession

1965 - Second war with India over Kashmir.

1969 - General Ayyub Khan resigns and General Yahya Khan takes over.

1970 - Victory in general elections in East Pakistan for breakaway Awami League, leading to rising tension with West Pakistan.

1971 - East Pakistan attempts to secede, leading to civil war. India intervenes in support of East Pakistan which eventually breaks away to become Bangladesh.

1972 - Simla peace agreement with India sets new frontline in Kashmir.

1973 - Zulfikar Ali Bhutto becomes prime minister.

Zia takes charge

1977 - Riots erupt over allegations of vote-rigging by Zulfikar Ali Bhutto's Pakistan People's Party (PPP). General Zia ul-Haq stages military coup.

1978 - General Zia becomes president.

1979 - Zulfikar Ali Bhutto hanged.

1980 - US pledges military assistance to Pakistan following Soviet intervention in Afghanistan.

1985 - Martial law and political parties ban lifted.

1986 - Zulfikar Ali Bhutto's daughter Benazir returns from exile to lead PPP in campaign for fresh elections.

1988 August - General Zia, the US ambassador and top Pakistan army officials die in mysterious air crash.

Bhutto comeback

1988 November - Benazir Bhutto's PPP wins general election.

1990 - Benazir Bhutto dismissed as prime minister on charges of incompetence and corruption.

1991 - Prime Minister Nawaz Sharif begins economic liberalisation programme. Islamic Shariah law formally incorporated into legal code.

1992 - Government launches campaign to stamp out violence by Urdu-speaking supporters of the Mohajir Quami Movement.

1993 - President Khan and Prime Minister Sharif both resign under pressure from military. General election brings Benazir Bhutto back to power.

Politics and corruption

1996 - President Leghari dismisses Bhutto government amid corruption allegations.

1997 - Nawaz Sharif returns as prime minister after his Pakistan Muslim League party wins elections.

1998 - Pakistan conducts its own nuclear tests after India explodes several devices.

1999 April - Benazir Bhutto and her husband convicted of corruption and given jail sentences. Benazir stays out of the country.

1999 May - Kargil conflict: Pakistan-backed forces clash with the Indian military in the icy heights around Kargil in Indian-held Kashmir. More than 1,000 people are killed on both sides.

1999 October - Prime Minister Nawaz Sharif overthrown in military coup led by

General Pervez Musharraf. Coup is widely condemned, Pakistan is suspended from Commonwealth.

2000 April - Nawaz Sharif sentenced to life imprisonment on hijacking and terrorism charges.

2000 December - Nawaz Sharif goes into exile in Saudi Arabia after being pardoned by military authorities.

2001 20 June - Gen Pervez Musharraf names himself President while remaining head of the army. He replaced the figurehead president, Rafiq Tarar, who vacated his position earlier in the day after the parliament that elected him was dissolved.

2001 July - Musharraf meets Indian Prime Minister Atal Behari Vajpayee in the first summit between the two neighbours in more than two years. The meeting ends without a breakthrough or even a joint statement because of differences on Kashmir.

2001 August - President Musharraf cracks down on religious extremists and outlaws two groups, Sipah-e-Mohammad (Shi'a) and Lashkar-e-Jhangvi (Sunni). [1] (p3262)

2001 September - Musharraf swings in behind the US in its fight against terrorism and supports attacks on Afghanistan. US lifts some sanctions imposed after Pakistan's nuclear tests in 1988, but retains others put in place after Musharraf's coup.

Kashmir Tensions

2001 October - India fires on Pakistani military posts in the heaviest firing along the dividing line of control in Kashmir almost [sic] a year.

2001 December - India imposes sanctions against Pakistan, to force it to take action against two Kashmir militant groups blamed for a suicide attack on parliament in New Delhi. Pakistan retaliates with similar sanctions.

2001 December - India, Pakistani mass troops along common border amid mounting fears of a looming war.

2002 January - President Musharraf bans five militant groups (Jaish-e-Mohammed, Lashkar-e-Taiba, Sipah-e-Sahaba, Tehrik-e-Jafria, Tehrik-e-Nifaz-e-Shariat-e-Mohammadi) and takes steps to curb religious extremism. [1] (p3262)

2002 January - Musharraf announces that elections will be held in October 2002 to end three years of military rule.

2002 April - Musharraf wins another five years in office in a referendum criticised as unconstitutional and fraught with irregularities.

2002 May - 14 people, including 11 French technicians, are killed in a suicide attack on a bus in Karachi. The following month 12 people are killed in a suicide attack outside the US consulate in the city.

2002 May - Tensions increase again between Indian and Pakistan over Kashmir following attack on Indian Army camp. [24a] (p44792-44793)

2002 May - Pakistan test fires three medium-range surface-to-surface Ghauri missiles, which are capable of carrying nuclear warheads. Musharraf tells nation that Pakistan does not want war but is ready to respond with full force if attacked.

2002 June - Britain and America maintain diplomatic offensive to avert war, urge their citizens to leave India and Pakistan.

2002 July - Election date announced - elections for the National Assembly, the Senate and the four provincial assemblies to take place on 10 October 2002. [35v] (p1-2)

2002 August - President Musharraf grants himself sweeping new powers, including the right to dismiss an elected parliament. Opposition forces accuse Musharraf of perpetuating dictatorship.

2002 October - First general election since the 1999 military coup results in a hung parliament. Parties haggle over the make-up of a coalition. Religious parties fare better than expected.

2002 October - EU observers and HRW voiced criticism over the election process. [41d]

2002 November - Mir Zafarullah Jamali selected as prime minister by the National Assembly. He is the first civilian premier since the 1999 military coup and a member of a party close to General Musharraf.

2003 February - Senate elections: Ruling party wins most seats in voting to the upper house. Elections said to be final stage of what Musharraf calls transition to democracy.

2003 May - Pakistan and India agree to restore diplomatic relations and civil aviation links. [1a] (p3270)

2003 June - North-West Frontier Province votes to introduce Sharia law.

2003 June - Pakistan envoy arrives in India en route to Delhi as Pakistan's new high commissioner; India had already named their new high commissioner in Islamabad. [35ad]

2003 August - Benazir Bhutto and Asif Ali Zardari sentenced in Switzerland to a six month suspended jail term and fined \$ 50,000 each for money-laundering and receiving bribes. They appealed against the Swiss verdict. [1] (p3265)

2003 September - Pakistan freed 16 Indian Sikhs in a goodwill gesture to India following a thaw in relations. [33h]

2003 October - Pakistan carried out two separate missile tests within the space of a week. [35af]

Kashmir ceasefire

2003 November - Pakistan declares a Kashmir ceasefire, which is swiftly matched by India.

2003 December - Pakistan and India agree to resume direct air links and to allow overflights of each other's planes from beginning of 2004 after two-year ban.

2003 December - 2 attempts on the Presidents life, "extremists" blamed [24c] (p45737)

2004 January - Peace talks between India and Pakistan [24d] (p45787)

2004 February – Leading nuclear scientist Dr Abdul Khan admits to having leaked nuclear weapons secrets. Technology is said to have been transferred to Libya, North Korea and Iran.

2004 April – Parliament approves creation of military-led National Security Council. Move institutionalises role of armed forces in civilian affairs.

2004 May – Pakistan readmitted to Commonwealth.

Factional violence in Karachi: Senior Sunni cleric shot dead; bomb attack on Shia mosque kills 16, injures 40.

2004 June – Military offensive near Afghan border against suspected al-Qaeda [al-Qa'ida] militants and their supporters after attacks on checkpoints. Earlier offensive, in March, left more than 120 dead.

2004 August – Shaukat Aziz is sworn in as prime minister. In July he escaped unhurt from an apparent assassination attempt.

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ANNEX B: POLITICAL PARTIES AND MILITANT GROUPS

ALL PARTIES HURRIYAT (FREEDOM) CONFERENCE

Umbrella organisation, campaigns peacefully for an end to India's presence in Kashmir. Made up of at least twenty-three constituent groups including trade unions and religious and political organisations. [35i] The All Parties Hurriyat Conference formally split on 15 September 2003 when pro-freedom members appointed former APHC chairman Syed Ali Geelani the new head. [33i]

AWAMI NATIONAL PARTY (ANP) (PEOPLE'S NATIONAL PARTY)

Formed 1986 by merger of National Democratic Party, Awami Tehrik (People's Movement) and Mazdoor Kissan (Labourers' and Peasants' Party). Federalist and Socialist, led by Khan Abdul Wali Khan. [1] (p3282)

BALUCHISTAN NATIONAL MOVEMENT

Based in Quetta, led by Dr Abdul Hayai Baloch. [1] (p3282)

HARKAT-UL-MUJAHIDEEN (See JAMIAT-UL-ANSAR)

HIZBUL MUJAHIDEEN (HM)

One of the most powerful Kashmiri militant groups set up in 1990 in Kashmir, favouring integration of Kashmir into Pakistan. Their supreme commander is Syed Salahuddin who lives in Pakistan. [35i] HM has strong links with the Jamiaat-I Islami (JI) of Pakistan and most of the members of the HM are from the "Islami Jamiaat Talabe", the student wing of the JI. [29b] Tension had been rising between the two rival factions of HM. The leader of one faction, the former commander Abdul Majid Dar, was killed by unknown assailants in March 2003. His supporters accused Syed Salahuddin, the head of another faction of the group, over the killing. [35y] On 3 April 2003, Saif-ul-Islam, the Chief Commander of HM was killed in a gun-battle between militants and Indian forces in Kashmir. [35z]

IMAMIA

Organisation affiliated to the Tehrik-e-Pakistan [Tehreek-e-Jaferia] (TJP) Shia organisation (see below). The Imamia Students Organisation and the Imamia Organisation were reported in 2001 to play an active role in TJP activities. [36c]

ISLAMI TEHRIK-E-PAKISTAN (formerly TEHRIK-E-JAFRIA-E- PAKISTAN AND TEHRIK-E-PAKISTAN)

Founded 1987 as political party as Tehrik-e-Jafria-e-Pakistan. Shia extremist; leader Allama Sajid Ali Naqvi. [1] (p3283) Prominent Shia terrorist group involved in anti-SSP campaigns, violence, and killings. [36c] (p2) One of five extremist groups banned by President Musharraf in January 2002 [1] (p3262), subsequently changing its name to Tehrik-e-Pakistan. [1a] (p3283) Banned under the name of Islami Tehrik-e-Pakistan in November 2003 by President Musharraf. [1a] (p3265)

JAISH-E-MOHAMMAD (JeM) (See KHUDAM-UL-ISLAM)

JAMAAT-E-ISLAMI PAKISTAN) (JIP)

Founded 1941. Seeks establishment of Islamic (Sunni) order; rightwing, led by Amir Qazi Hussain Ahmad. [1] (p3282)

JAMAAT-UD-DAWA (Also see LASHKAR-E-TAIBA)

Thought by some to be a new identity for the Kashmiri armed separatist group Lashkar-i-Taiba [Toiba] [Toyeba] – LiT - this group escaped a ban when President Musharraf banned 6 further groups in November 2003. [24b] (p45693)

JAMIAT-E-ULEMA- E-ISLAM (JUI) (Also see MILLAT-E-ISLAMIA PAKISTAN)

Founded 1950; advocates adoption of constitution in accordance with (Sunni) Islamic teachings. Led by Maulana Fazlur Rehman. [1] (p3282)

JAMIAT-E-ULEMA- E-PAKISTAN (JUP)

Founded 1948; advocates progressive (Sunni) Islamic principles and enforcement of Islamic laws in Pakistan. Acting President Shah Farid-ul Haq. [1] (p3282)

JAMIAT-UL-FURQAN (aka TANZEEM-UL-FURQAN)

An Islamic group banned in November 2003. [1a] (p3265) According to Pakistan's 'The Daily Mail', this group was linked to the murder of US journalist Daniel Pearl in 2002; the ban was made under the anti-terrorism laws, though no specific charges were made against them by the government. Jamiat-ul-Furqan, led by Abdul Jabbar, was a splinter faction of the outlawed Jaish-e-Mohammad group. [15]

JAMIAT-UL-ANSAR (formerly HARKAT-UL-MUJAHIDEEN/HARKAT-UL-ANSAR)

Described by the South Asia Terrorist Portal in 2002 as a Pakistan-based terrorist outfit, the US categorised the then HuA as a terrorist outfit in 1997; there were reports at the time that it was linked to Osama bin Laden and al-Qa'ida. [36a] (p1-2) Composed mainly of Afghans, Pakistanis and even some Arabs.[35] (p2), it was banned in November 2003 and is involved in the freedom struggle in Indian Occupied Kashmir. [72]

JAMMU AND KASHMIR LIBERATION FRONT (JKLF)

Set up in the UK in May 1977 by one of the co-founders of the Jammu and Kashmir National Liberation Front. [36e] Was one of the most active militant groups, but now appears to have a dwindling membership and less military power. [35] (p2)

KHATME NABUWWAT (COMMITTEE TO SECURE THE FINALITY OF PROPHETHOOD)

Originally a small Muslim political party, changed name from the Majlis Tahaffuz Khatme Nubuwwat in the 1970's apparently to attract orthodox Muslims. Has called for the banning of the Ahmadi movement and the killing of its members.[12b] (p8-10)

KHUDAM-UL-ISLAM (formerly JAISH-E-MOHAMMAD - JeM)

Formed in 2000 under the name Jaish-e-Mohammad (Army of Mohammad) by an Islamic cleric, Maulana Massod Azhar, who was released from an Indian jail in December 1999 following the hijack of an Indian airliner. [35] (p20) One of five extremist groups banned by President Musharraf in January 2002. [1] (p3262) It was banned in November 2003 as Khudam-ul-Islam by President Musharraf along with 5 other groups.[24b] (p45693)

LASHKAR-E-JHANGVI

Reported as being the military wing of the Sipah-e-Sahaba Pakistan [18b] (p4) and a Sunni-Deobandi terrorist outfit. [36b] (p1) The group was outlawed by General Musharraf in August 2001, following a reported crackdown on religious extremists. [1] (p3262) Founder/leader Riaz Basra was killed by police in Punjab in May 2002. Akram Lahori is believed to be the new head of the organisation.[35s] (p3) Reported to have links with Taliban in Afghanistan [36b] (p4) and Al Qaeda [al-Qa'ida] terrorist group.[36b] (p8)

LASHKAR-E-TAIBA (LASHKAR-E-TOIBA) (LASHKAR-E-TOYEBA) (Also see JAMAAT-UD-DAWA)

Meaning "Army of the Pure," this is an armed and violent Kashmiri militant group, based in the Punjab and numbering approximately 300 activists [2000 BBC report]; advocates Islamic rule over all parts of India, and engages in suicide attacks. Has been linked with numerous killings. [35j] (p1-2) Made up predominantly of non-Kashmiri fighters, and is thought to embrace a rigid form of Sunni Islam. [35j] (p2) One of five extremist groups banned by President Musharraf in January 2002. [1] (p3262)

MILLAT-E-ISLAMIA PAKISTAN

Founded in 1984 as the Anjuman Sipa-e-Sahaba Pakistan at a time of growing anti-Ahmadi sentiment, has always been strongly anti-Ahmadi, but has turned to harassing and attacking Shia Muslims. [20b] (p20) Military wing is the **Lashkar Jhangvi**. [18b] (p4) One of five extremist groups banned by President Musharraf (under the name of **Sipah-e-Sahaba Pakistan**) in January 2002. [1] (p3262) Reported to be an offshoot of the **Jamiat-e-Ulema-e-Islam**, it is an Sunni sectarian outfit allegedly involved in terrorist violence. [36d] (p1) It has strongholds in southern districts of the populous central province of Punjab and the port city of Karachi. [35ae] (p1-2) The group was banned by President Musharraf under the name of **Millat-e-Islamia Pakistan** in November 2003. [24b] (p45693) [1a] (p3265)

MUTTAHIDA QAUMI MOVEMENT (MQM) (UNITED NATIONAL MOVEMENT)

Founded 1978 as the All Pakistan Mohajir Students Organisation; became Mohajir Qaumi Movement in 1984; renamed as Muttahida Qaumi Movement in 1997. Represents interests of Muslim, Urdu-speaking immigrants (from India). Seeks the designation of Mohajir as the fifth nationality (after Sindhi, Punjabi, Pathan and Balochi). [1] (p3283) Split into two factions in 1992: MQM (Altaf) headed by Altaf Hussain and the smaller MQM (Haqiqi). [1] (p3257)

PAKISTAN MUSLIM LEAGUE (PML)

Founded in 2004 following merger of PML Quaid-e-Azam Group, PML (Junejo), PML (Functional), PML (Zia-ul-Haq Shaheed), PML (Jinnah) and the Sindh Democratic Alliance. President Chaudhry Shujaat Hussain. [1a] (p3283) The PML student organisation is the **Muslim Student Federation** (MSF) [20a] (p11)

PAKISTAN MUSLIM LEAGUE – NAWAZ (PML-N)

Founded 1993 as a faction of the Pakistan Muslim League (Junejo). [1a] (p3283) Acting President Javed Hashmi was charged on five counts (including treason, inciting mutiny and forgery) on 24 January 2004. He had been arrested in October 2003 after distributing copies of letters criticising the President that he alleged had been written by junior army officers. [24d] (p45786)

PAKISTAN PEOPLE'S PARTY (PPPP)

Founded 1967; advocates Islamic socialism, democracy and a non-aligned foreign policy. [1a] (p3283) Main power base is said to be in Sindh. - the Bhutto's homeland. The **People's Student Federation** (PSF) is the PPP's student organisation; **People's Youth Organization** (PYO) is the PPP's youth organisation. The PPP became an amalgamation of socialists and conservatives, dominated by the latter. [20a] (p10) In 2002 the Pakistan People's Party Parliamentarians (PPPP) was set up with Makhdoom Amin Fahim as leader to contest the October 2002 elections. [1a] (p3283)

PAKISTAN PEOPLE'S PARTY (SHAHEED BHUTTO GROUP)

Karachi. Formed 1995 as a breakaway faction of the PPP, Chair: Ghinwa Bhutto; Sec-Gen: Dr Mubashir Hasan [1] (p3283)

PAKISTAN PEOPLE'S PARTY (SHERPAO GROUP)

Peshawar; breakaway faction of the PPP; President Aftab Sherpao [1] (p3283)

SIPAH-E-MOHAMMAD

Shia militant organisation formed as a reaction to Sunni violence. [20b] (p20) General Musharraf outlawed the group in August 2001, following a reported crackdown on religious extremists. [1] (p3262)

SIPAH-E-SAHABA PAKISTAN (SSP) (See MILLAT-I-ISLAMIA PAKISTAN)

TANZEEM-E-NIFAZ-E-SHARIAT-E-MOHAMMADI

Founded by Maulana Sufi Mohammad, a follower of Saudi Arabia's Wahhabi school of thought, this radical Sunni Muslim group is banned. The group has engaged in violent agitation for the enforcement of Islamic laws in its stronghold of Malakhand in northwestern Pakistan. In October 2001, Sufi Mohammad crossed into Afghanistan with thousands of followers to help the Taliban fight the US led forces, returning after the collapse of the Taliban. [35ae] (p2-3)

TEHRIK-E-INSAF (MOVEMENT FOR JUSTICE)

Lahore. Founded 1996, led by Imran Khan. [1] (p3283)

TEHRIK-E-JAFRIA-E-PAKISTAN) (TJP) (See ISLAMI TEHRIK-E-PAKISTAN)

TEHRIK-E-PAKISTAN (See ISLAMI TEHRIK-E-PAKISTAN)

TEHRIK-NIFAZ-E-SHARIAT-E-MOHAMMADI (TNSM)

A militant Islamic movement which waged an armed struggle in the mid-1990's for the introduction of an orthodox Islamic system in Malakand NWFP; leader Maulana Sufi Mohammad led hundreds of tribal young men into Afghanistan in late 2001 to fight alongside the Taliban. [38] (p1) One of five extremist groups banned by President Musharraf in January 2002. [1] (p3262)

UNITED JIHAD COUNCIL

Umbrella group of fourteen militant groups based in "Azad" Kashmir. [35i]

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ANNEX C: PROMINENT PEOPLE

A. THE GOVERNMENT: [Information supplied by FCO 14 October 2004]

- | | |
|---|---------------------------------------|
| • President | General Pervez Musharraf |
| • Prime Minister | Shaukat Aziz |
| • Foreign Affairs (Law, Justice and Human Rights) | Mian Khursheed Mehmood Kasuri (PML-Q) |
| • Minister of Commerce | Humayoon Akhtar Khan (PML-Q) |
| • Education Minister | Javed Ashraf Qazi (PML-Q) |

| | |
|---|--|
| • Health Minister | Mohammad Nasir Khan (PML-Q) |
| • Industries & Production | Liaquat Ali Jatoi (PML-Q) |
| • Information & media | Jehangir Khan Tareen (PML-Q) |
| • Labour, Manpower, Overseas Pakistanis | Ghulam Sarwar Khan (PML-Q) |
| • Railways | Mian Shahmim Haider (PPP-S) |
| • Water and Power | Liaquat Ali Jatoi (PPP-S) |
| • Defence Minister | Rao Sidandar Iqbal (PPP forward bloc) |
| • Interior & Narcotic Control | Aftab Ahmed Khan Sherpao (PPP forward bloc) |
| • Petroleum and Natural Resources | Amanullah Khan Jadoon (PPP forward bloc) |
| • Information Technology & Tele-communication | Awais Ahmad Khan Leghari (National Alliance) |
| • Food, Agriculture | Sardar Yar Mohammad Rind (National Alliance) |

The seven ministers of state are:

Khalid Ahmad Khan Lund, Rais Munir Ahmad, Hamid Hayat Khan Hiraj, Tahir Iqbal, Sikandar Hayat Khan Bosan, Habibullah Waraich and Raza Hyat Hiraj. [33d]

B. Others:

BHUTTO, Benazir

Born in 1953 in the province of Sindh and educated at Harvard and Oxford, Ms Bhutto gained credibility from her father's high profile, even though she was initially a reluctant convert to politics. Ms Bhutto was imprisoned just before her father's death in 1979, after he was imprisoned and charged with murder by General Zia-ul-Haq in 1977. She spent most of her five-year jail term in solitary confinement. During stints out of prison for medical treatment, Ms Bhutto set up a Pakistan People's Party office in London, and began a campaign against General Zia. She returned to Pakistan in 1986, attracting huge crowds to political rallies. After Zia's death in 1988, she became one of the first democratically elected female prime ministers in an Islamic country. She has twice been prime minister of Pakistan, from 1988 to 1990 and from 1993 to 1996. On both occasions she was dismissed from office by the president for alleged corruption. She has steadfastly denied the corruption charges against her, which she says are politically motivated and left Pakistan in 1999 to live abroad shortly after her conviction. [35q] In April 2001 the Supreme Court nonetheless set aside the corruption conviction and ordered a retrial. [1] [p3261] In August 2003 a Swiss judge found Benazir Bhutto and her husband, Asif Ali Zardari, guilty of money laundering. They were both sentenced to a six month suspended jail term and fined \$50,000. They were accused of illegally depositing millions of dollars in Swiss accounts, both deny the charges. Benazir Bhutto challenged the verdict and filed an appeal; in November 2003 the prison sentences and fines were quashed by a court in Geneva. [1] (p3265)

BHUTTO, Zulfikar Ali

Former leader of PPP. Won a majority of the National Assembly seats for West Pakistan in December 1970 elections. Following the 1971 civil war (culminating in the creation of Bangladesh from East Pakistan) Bhutto became president of Pakistan in December 1971. After new Constitution was adopted in August 1973, Bhutto became executive Prime Minister. He was re-elected in March 1977, but deposed in a military

coup in July. He was found guilty of instigating the murder of a PPP dissident, and executed in April 1979. [1] (p3256)

JINNAH, Muhammad Ali

Leader of Muslim League and popularly known as Quaid-i-Azam ("Great Leader"). Became the first Governor-General of Pakistan when the country was created in August 1947, but died the following year. [1] (p3256)

HUSSAIN, Altaf

Founder member and leader of Muttahida Qaumi Movement (MQM). [1] (p3257) Has been in the UK since 1992 after he and other leaders were declared wanted criminals following violence within the MQM (see above, 6.108-6.109) [12d] (p2) In 1994 he was sentenced in absentia to 27 years' imprisonment on charges of terrorism. [1] (p3258)

MUSHARRAF, Pervez

Was born in New Delhi in 1943, and his family migrated to Pakistan in 1947 after the sub-continent was divided following British rule. Grew up in Karachi, and joined the army in 1964, fighting in the 1965 and 1971 wars with India. Appointed Army Chief of Staff on October 1998 by Prime Minister Nawaz Sharif. Overthrew Sharif's government in the October 1999 military coup and became the country's new leader. [14]

SHARIF, Mohammad Nawaz

Formerly Chief Minister of Punjab, he led the Islamic Democratic Alliance to victory in the October 1990 elections and was appointed Prime Minister. [1] (p3257) Dismissed April 1993 following political crisis; accused by president of 'maladministration, nepotism and corruption'. Sharif's government was restored to power after Supreme Court ruled president's order had been unconstitutional. [1] (p3258) Sharif's faction of the Pakistan Muslim League (Junejo Group) failed to win sufficient seats in October 1993 elections [1] (p3258), but the party swept to power in the February 1997 elections, after which Sharif became prime minister once again. [1] (p3259) Overthrown in the military coup of 12th October 1999, and sentenced to life imprisonment on charges of hijacking and terrorism on 6th April 2000. [1] (p3260-3261)

UL-HAQ, MOHAMMAD ZIA

General and Army Chief of Staff, appointed Chief Martial Law Administrator following July 1977 coup. Became president in 1978 and postponed indefinitely the expected elections. Zia pursued a policy of "Islamisation" of the country's institutions, which was confirmed in the December 1984 referendum. Martial law was repealed in December 1985 and the Constitution restored (as amended the previous October). Zia remained president. He was killed in an air crash on 17 August 1988. [1] (p3256-3257)

ZARDARI, Asif Ali

Benazir Bhutto's husband. Arrested following dismissal of PPP government in 1990 on charges of extortion, kidnapping and financial irregularities; later acquitted. [1] (p3257) In July 1996 appointed as Minister of Investment in Benazir's cabinet, which drew much criticism. Arrested following dismissal of government in 1996, and charged with the murder of Mir Murtaza Bhutto. [1] (p3259) He and Benazir convicted of corruption in April 1999 and sentenced to five years' imprisonment and removed from their respective seats in the Senate and National Assembly. [1] (p3260) In April 2001 the Supreme Court

set the corruption convictions for Zardari and Benazir Bhutto aside and ordered a retrial. [1] (p3261) In August 2003 a Swiss judge found Benazir Bhutto and her husband guilty of money laundering, though later that month he was acquitted of charges relating to the 1998 murder of Sajjid Hussain. They were both sentenced to a six month suspended jail term and fined \$50,000. However, in early November 2003 a court in Geneva, Switzerland, upheld an appeal by Benazir Bhutto and her husband Asif Ali Zardari against their convictions. The six month suspended sentence and financial penalties were quashed. It remained to be decided whether the case would be referred to a higher court. [1] (p3265)

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